

City of Leeds

# ZONING ORDINANCE

Ordinance # 1997-12-01, amended through March 2013

Brad Watson  
3-4-2013

## TABLE OF CONTENTS

<u>ARTICLE</u>		TITLE	PAGE
I	§	1.00 Enforcing Officer	3
		2.00 Building Permit Required	3
		2.01 Plot Plan	4
		2.02 Site Plan Review	4
		2.03 Approval of Building Permit	5
		2.04 Denial of Building Permit	5
		2.05 Certificate of Occupancy	5
		2.06 Expiration of Building Permit	6
		2.07 Unlawful Structure	6
		2.08 Penalties	6
		2.09 Remedies	6
		2.10 Interpretation of District Boundaries	7
		2.11 Interpretation of Uses	7
		2.12 Unclassified Uses	7
	§	3.00 Planning Commission	8
		3.01 Unclassified Uses	8
	§	4.00 Zoning Board of Adjustment	8
		4.01 Appointment	8
	§	5.00 Variances	8
		5.01 Justification	9
		5.02 Application for a Variance	10
		5.03 Public Notice Required	10
		5.04 Action on Appeals	10
		5.05 Appeals, How taken	10
		5.06 Stay of Proceedings	11
		5.07 Appeals From The Action Of the Board	11
	§	6.00 Special Exception Uses	11
		6.01 Special Exception Procedures	12
		6.02 Public Notice	12
	§	7.00 Amendments To The Zoning Ordinance Or the Zoning Map	13
		7.01 Authority to Amend	13
		7.02 Authorized Petitioners	13
		7.03 Petition for Amendment	13
		7.04 Public Notice	14

TABLE OF CONTENTS - CONTINUED

<u>ARTICLE</u>		PAGE
III		15
	§ 8.00 City Council Action on Amendments	15
	8.10 Notification and Adoption Requirements	15
	§ 9.00 Limitations on Rezoning Requests	15
IV	DEFINITIONS	17
	§ 1.00 Purpose of Definitions	17
	1.01 Interpretation	17
	1.02 Word Usage	17
	§ 2.00 Words and Phrases Defined	17
	2.01 Agriculture Uses	26
	2.02 Residential Uses	28
	2.03 Institutional Uses	29
	2.04 Commercial Uses	31
	2.05 Industrial Uses	36
	2.06 Temporary Uses	39
V	GENERAL REGULATIONS	40
	§ 1.00 General Use Regulations	40
	§ 2.00 Application of this Ordinance	40
	§ 3.00 Except as Otherwise Provided For in This Ordinance	40
	§ 4.00 Joint Occupancy	40
	§ 5.00 Public Utilities	41
	§ 6.00 Non-Conforming Uses	41
	6.01 Non-Conforming Lots of Record	41
	§ 7.00 Continuance	41
	§ 8.00 Restoration to Safe Condition	42
	§ 9.00 Restoration after Damages	42
	§ 10.00 Abandonment or Discontinued Use	42
	§ 11.00 Annexed Property	42
	§ 12.00 Change in Use	42
	§ 13.00 Abandoned Right-Of-Way	42
	§ 14.00 Reduction in Lot Area Prohibited	42
	§ 15.00 Structures Conforming To District Regulations	
	§ but not other Regulations	42
	§ 16.00 Buildings to Be Moved	43
	§ 17.00 General Requirements	43

## TABLE OF CONTENTS - CONTINUED

<u>ARTICLE</u>		PAGE
V		43
	17.01 Buffer Requirements	43
	17.02 Additional Regulations (When Applicable)	43
	17.03 Public Buildings	44
VI	ESTABLISHMENT OF DISTRICTS	45
§	1.00 A-1 Agriculture District	46
	1.01 Intent	46
	1.02 Uses Permitted	46
	1.03 Special Exception Uses	47
	1.04 Area and Dimensional Regulations	48
	1.05 Buffer Requirements	48
	1.06 Public Buildings	49
	1.07 Buffer Requirements	49
	1.08 Additional Regulations (When Applicable)	49
§	2.00 E-1 Single Family Residential Estate District	49
	2.01 intent	49
	2.02 Uses Permitted	49
	2.03 Special Exception Uses	50
	2.04 Area and Dimensional Requirements	51
	2.06 Buffer Requirements	51
	2.07 Additional Regulations (When Applicable)	51
§	3.00 E-2 Single Family Residential Estate District	51
	3.01 Intent	51
	3.02 Uses Permitted	51
	3.03 Special Exception Uses	52
	3.04 Area and Dimensional Regulations	52
	3.05 Public Buildings	53
	3.06 Buffer Requirements	53
	3.07 Additional Regulations (When Applicable)	53
§	4.01 R-1 Single Family Residential District	53
	4.02 Uses Permitted	53
	4.03 Special Exception Uses	54
	4.04 Area and Dimensional Regulations	54
	4.05 Buffer Requirements	55
	4.06 Additional Regulations (When Applicable)	55
§	5.00 R-2 Single Family Residential District	55
	5.01 Intent	55
	5.02 Uses Permitted	55
	5.03 Special Exception Uses	56
	5.04 Area and Dimensional Regulations	56
	5.05 Public Buildings	57
	5.06 Buffer Requirements	57
	5.07 Additional Regulations (When Applicable)	57

## TABLE OF CONTENTS - CONTINUED

<u>ARTICLE</u>		<u>PAGE</u>
VI		57
6.00	R-3 Multi-Family Residential District	57
6.01	Intent	57
6.02	Uses Permitted	57
6.03	Special Exception Uses	58
6.04	Area and Dimensional Regulations	58
6.05	Buffer Requirements	59
6.06	Additional Regulations (When Applicable)	59
7.00	R-3-T Townhouse Residential District	59
7.01	Intent	59
7.02	Uses Permitted	59
7.03	Area and Dimensional Regulations	59
7.04	Buffer Requirements	59
7.05	Additional Regulations (When Applicable)	60
8.00	R-5 Garden Home Residential District	60
8.01	Intent	60
8.02	Uses Permitted	60
8.03	Special Exception Uses	60
8.04	Area and Dimensional Regulations	60
8.05	Buffer Requirements	60
8.06	Additional Regulations (When Applicable)	61
9.00	R-6 Patio Home Residential District	62
9.01	Intent	62
9.02	Uses Permitted	62
9.03	Special Exception Uses	62
9.04	Area and Dimensional Regulations	62
9.05	Buffer Requirements	63
9.06	Additional Regulations (When Applicable)	63
10.00	PUD Planned Unit Development District	64
10.01	Intent	64
10.02	Planned Unit Development Requirements	64
10.03	Uses Permitted	65
10.04	Special Exception Uses	66
10.05	Area and Dimensional Regulations	66
10.06	Buffer Requirements	67

## TABLE OF CONTENTS - CONTINUED

ARTICLE		PAGE
VI		67
	17.00 RMHP Residential Manufactured (Mobile Home Park District)	67
	11.01 Intent	67
	11.02 Uses Permitted	67
	11.03 Site Standards	68
	11.04 Installation	69
	11.05 Storage Facilities, Accessory Uses and Structures	69
	11.06 Off-Street Parking and Loading	69
	11.07 Service Facilities	69
	11.08 Buffer Requirements	69
	11.09 Signs	70
	11.10 Landscaping	70
	11.11 Patios	70
	11.12 Fences	70
	12.00 RMHS Residential Manufactured (Mobile) Home Subdivision District	70
	12.01 Intent	70
	12.02 Uses Permitted	70
	12.03 Area and Dimensional Regulations	71
	12.04 Manufactured (Mobile) Home Standards	71
	12.05 Procedure for Plat Approval	71
	12.06 Additional Regulations	72
	12.07 Buffer Requirements	72
	73.00 0-1 Office Building District	72
	13.01 Intent	72
	13.02 Uses Permitted	72
	13.03 Special Exception Uses	73
	13.04 Area and Dimensional Regulations	73
	13.05 Additional Regulations (When Applicable)	74
	13.06 Public Buildings	74
	13.07 Buffer Requirements	74
	13.08 Additional Regulations (When Applicable)	74
5	14.00 B-2 General Business District	74
	14.01 Intent	74
	14.02 Uses Permitted	75
	14.03 Special Exception Uses	75
	14.04 Area and Dimensional Regulations	76
	14.05 Buffer Requirements	76
	14.06 Additional Regulations (When Applicable)	76

## TABLE OF CONTENTS - CONTINUED

ARTICLE	PAGE
VI	77
§ 15.00 B-3 Tourist Commercial District	77
15.01 Intent	77
15.02 Uses Permitted	77
15.03 Special Exception Uses	77
15.04 Area and Dimensional Regulations	78
15.05 Buffer Requirements	78
15.06 Additional Regulations (When Applicable)	78
§ 16.00 1-1 Light Industrial District	78
16.01 Intent	78
16.02 Uses Permitted	79
16.03 Special Exception Uses	79
16.04 Area and Dimensional Regulations	80
16.05 Buffer Requirements	80
16.06 Additional Regulations (When Applicable)	81
§ 17.00 1-2 Heavy Industrial District	81
17.01 Intent	81
17.02 Uses Permitted	81
17.03 Special Exception Uses	81
17.04 Area and Dimensional Regulations	82
17.05 Buffer Requirements	82
17.06 Additional Regulations (When Applicable)	82
§ 18.00 MR Municipal Reserve District	82
18.01 Intent	82
18.02 Zoning of Annexed Areas	82
18.03 Rezoning From the MR District	82
18.04 Permitted Uses and Development Standards	83
18.05 Action on Annexation Petitions	83
18.06 Additional Regulations (When Applicable)	83
VIII SUPPLEMENTAL REGULATIONS	84
§ 1.00 Area Modification for Lots of Record	84
§ 2.00 General Yard Requirements	84
2.01 Front Yard Requirements	84
2.02 Rear Yard Requirements	85
§ 3.00 Height Modifications	85
§ 4.00 Fences and Walls	85
§ 5.00 Porches, Terraces, Balconies, Cornices and Eaves	87
§ 6.00 Accessory Structures and Buildings	87

## TABLE OF CONTENTS - CONTINUED

<u>ARTICLE</u>		<u>PAGE</u>
IX		122
	1.09 Change In Parking and Loading Requirements	122
X	SIGN REGULATIONS	123
	§ 1.00 Purpose and Intent	123
	§ 2.00 Definitions Applicable to This Ordinance	123
	§ 3.00 Prohibited Signs	126
	§ 4.00 Portable Signs	128
	§ 5.00 General Regulations Applying To All Signs	128
	§ 6.00 Exempt Signs, Permit Exemptions	129
	§ 7.00 Billboard Regulations	131
	§ 8.00 Signs Located in Residential Districts	131
	§ 9.00 Signs Permitted in the B-2 General Business District	132
	§ 10.00 Signs Located in Shopping Centers and Office Parks	135
	§ 11.00 Signs Permitted In the 1-1 and 1-2 Light and Heavy Heavy Industrial Districts	136
	§ 12.00 Signs Permitted in the A-1 Agriculture District	137
	§ 13.00 Construction and Maintenance of Signs	137
	§ 14.00 Required Permits, Fees and Inspections	138
	§ 15.00 Issuance Denial	138
	§ 16.00 Appeals of Permit Denial	138
	§ 17.00 Permit Fees	139
	§ 18.00 Inspection of Signs	139
	§ 19.00 Unlawful Signs	139
	§ 20.00 Confiscation Of Signs Located on Public Right-of Way	139
	§ 21.00 Abandoned Signs	139
	§ 22.00 Misleading Signs	139
	§ 23.00 Notification	139
	§ 24.00 Removal of Sign	140
	§ 25.00 Annual Inspection	140
	§ 26.00 Right of Entry	140
XII	LEGAL STATUS PROVISIONS	141
	§ 1.00 Interpretation of Uses	141
	§ 2.00 Savings Clause	141
	§ 3.00 Repeal of Existing Ordinances	141
	§ 4.00 Effective Date	147

## APPENDICES

## ADMINISTRATIVE FORMS AND APPLICATIONS



## ORDINANCE N0.97-12-01

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY VOLUME 10, TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED AND SUPPLANTED BY ALL APPLICABLE LAWS TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF LEEDS, ALABAMA: TO REGULATE WITHIN SUCH DISTRICTS THE: HEIGHT; NUMBER OF STORIES; SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; AND THE USE OF BUILDINGS, STRUCTURES AND LAND: TO REPEAL ALL EXISTING ZONING ORDINANCES AND PENALTIES FOR THE VIOLATION THEREOF.

THE GENERAL PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of Leeds, Alabama, as follows:

### ARTICLE I

#### SHORT TITLE

This Ordinance shall be known as the Zoning Ordinance of the City of Leeds, Alabama and the map herein referred to shall be identified by the title Zoning Map of the City of Leeds, Alabama. It shall further be identified by the signature of the Mayor of the City of Leeds and attested to by the City Clerk. The Zoning Map of the City of Leeds, Alabama, is hereby adopted and made a part of this Ordinance. This map is filed with the City Clerk of Leeds at the time the introduction of this Ordinance and will remain on file in the office of said clerk. Upon the adoption of this Ordinance, the said map shall show, by endorsement thereon, the date of such adoption.

## ARTICLE II

## § 1.00          Generally

The zoning regulations and districts as herein established have been in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the health and welfare of citizens; to provide for light and air; to prevent the overcrowding of land; to regulate signs; to avoid undue concentrations of population; to facilitate the adequate provision of transportation; water, sewers, schools, parks, public buildings, and other public improvements. These regulations have also been formulated with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses and with an emphasis on conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

## ARTICLE III

## ADMINISTRATION AND REVIEW PROCEDURES

## § 1.00 Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City. He or she may be provided with the assistance of such other person or persons as the City Council deems appropriate. The Building Inspector, or the duly authorized representative, shall in relation to this Ordinance:

- A. review all building permit applications with regard to conformance with all applicable provisions of this Ordinance and perform required inspections to insure such conformance,
- B. issue all building permits and maintain records thereof,
- C. issue all Certificates of Occupancy and maintain records thereof,
- D. issue and renew, where applicable, all temporary use permits and maintain records thereof,
- E. maintain current zoning maps and records of amendments thereto; and,
- F. have the right to enter into any premises at any reasonable time for the purpose of making inspections of land, structures and buildings necessary to carry out the enforcement of this Ordinance. If the Building Inspector finds that any of the provisions of this Ordinance are being violated, he or she shall proceed to notify, in writing, the person or persons responsible for such violations, indicating the nature of the violation(s) and ordering the appropriate action necessary to rectify it. He or she shall order the discontinuance of the illegal use of land, buildings or structures; removal of all the illegal buildings or structures or any additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions.

## § 2.00 Building Permit Required

It shall be unlawful: to commence earthwork or the construction of any building or other structure, including accessory structures, or signs, to store building materials or erect temporary field offices; or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Inspector of the City has issued a building permit for such work, including a statement that the plans, specifications and intended uses of such building or structure conforms with the provisions of this Ordinance in all respects. The application for a building permit shall be filed with the Building Inspector on forms provided by the City for that purpose.

## 2.01

Plot Plan

- A. It shall be unlawful for the Building Inspector to approve any plans or issue building permits for any excavation or construction until he or she has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit be accompanied by a plot plan drawn to scale, dimensioned, and showing the following in sufficient detail to enable the Building Inspector to ascertain whether or not the proposed development is in conformance with the provisions of this Ordinance:
1. The actual shape, proportion and dimensions of the lot to be built upon,
  2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building (s) or other structures already on the lot, both above and below existing grade,
  3. The existing and intended use of all buildings or other structures,
  4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining conformance with the provisions of this Ordinance; and,
  5. Every applicant for the use of land, under and by virtue of the provisions of this Ordinance, shall include therein a plan showing the location of necessary fire hydrants with adequate water flow. In addition thereto, the applicant shall submit to the City a written agreement between the applicant and the appropriate water authority specifying that the applicant shall assume the responsibility of purchasing and arranging the installation of such fire hydrants as required by the Leeds Fire Department. The applicant shall also agree to pay the annual rental thereof and other charges that may be levied by the water authority for a period of two (2) years from the date of their installation. Such agreement shall be submitted to the Building Inspector for his or her review and the Leeds Fire Department's review and approval and shall be in full force and effect at the time of the issuance of any building permit provided for hereunder. In addition, where applicable, the applicant shall provide the Building Inspector with copies of all deed restrictions and/or covenants which pertain to the subject property.

## 2.02

Site Plan Review

- A. New construction and substantial site development expansion of all planned Residential Developments, Townhomes, Garden Homes, Planned Residential Developments, Planned Unit Developments, five (5) or more Multifamily

Dwellings, Manufactured (Mobile) Home Parks, Manufactured (Mobile) Home Subdivisions, Institutional Uses, Commercial Uses and Industrial Uses shall require the submission and approval of a site plan prepared by a professional engineer or professional Land Surveyor who is licensed in the State of Alabama.

B. Cover Sheet with:

1. Name and address of the development; name, address and signature of the owner; name, address, and signature of the engineer,
2. The vicinity map,
3. Zoning and existing and proposed land use of the site,
4. Date, scale, north arrow and name of all streets,

C. Site layout, including property dimensions, rights-of-way, easements, location and dimensions of all buildings (existing and proposed), set-backs, driveway access, off-street parking and loading, circulation, screening, buffer yards and landscaping.

D. Drainage, paving, grading and excavation, topography, erosion and sedimentation, storm-water detention and floodplain management controls.

E. Public and private utilities, including sewage disposal system and water system.

F. Fire lanes and hydrants. [See Section 2.01, A-5

### 2.03 Approval of Building Permit Application

If, after the review, it is found that the proposed construction, excavation, moving and/or other alteration (as set forth in the application) is in conformity with the provisions of this Ordinance, the Building Inspector of the City shall issue a building permit accordingly.

### 2.04 Denial of Building Permit

The applicant, upon notification by the Building Inspector of a Building Permit denial, may make application to the Chairman of the Zoning Board of Adjustment and request a hearing before that body.

### 2.05 Certificate of Occupancy

No land or building(s) or other structure(s) or parts thereof erected, moved or altered in its use shall be used or occupied until the Building Inspector of the City shall have issued a Certificate of Occupancy. Within three (3) days after the owner (or his agent) has notified the Building Inspector of the City that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the City to make a final inspection thereof and issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this Ordinance;

or, if such Certificate is refused, to notify the owner, in writing, stating the cause for such refusal. Appeals from the decision of the Building Inspector shall be heard by the Zoning Board of Adjustment.

#### 2.06 Expiration of Budding Permit

Any permit, under which no construction work has been performed within six (6) months or which has not been completed within one (1) year from the original date of issuance, shall expire by limitation, but shall, upon reapplication, be renewable. This is subject however, to the provisions of all Ordinances in force at the time of said application for renewal.

#### 2.07 Unlawful Structure

A. Any uses of land or dwellings or construction or alteration of buildings or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Building Inspector is lawfully authorized to apply to a court of equity to abate the nuisance created by such unlawful use of a building, structure or land. Whenever the Building Inspector has declared a structure to be in violation of any applicable provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from receipt of notification, from the Building Inspector to vacate such premises, accomplish such vacation of said structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to all provisions of this Ordinance. Service of notification shall be as follows:

1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or,
2. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon; or,
3. By posting and keeping posted twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises to be repaired.

#### 2.08 Penalties

Any person, firm, corporation or other organization which violates any provisions of this Ordinance shall be fined, upon conviction, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and court costs for each offense. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with all applicable provisions of this Ordinance.

#### 2.09 Remedies

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or, if any building, structure or land is used in violation of this Ordinance, the Building Inspector of the City or any other appropriate

authority or any adjacent or neighboring property owner within five hundred (500) feet who would be damaged or caused hardship by such violation, in addition to other remedies, may:

1. institute an injunction,
2. institute a mandamus,
3. take other appropriate action or proceedings to stay or prevent occupancy of such buildings, structure or land.

#### 2.10 Interpretation Of District Boundaries

- A. The Zoning Board of Adjustment shall make an interpretation of the "Leeds Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any zone district shown on said map, the following rules shall apply:
1. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
  2. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
  3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.

#### 2.11 Interpretation of Uses

This Ordinance recognizes the limitations of the district use listings given the infinite variations of essentially similar uses. Therefore, the Building Inspector is empowered to make interpretations so as to classify any questioned use within a listed use of most similar impact and characteristics. However, in no case shall the Building Inspector interpret a use as falling in one listed use when the use in question is more similar in impact and characteristics to another listed use. Any appeals related to the Building Inspector's use interpretation may be filed with the Zoning Board of Adjustment.

#### 2.12 Unclassified Uses

- A. In the event the Building Inspector finds a new or unusual use that cannot appropriately fit a listed use in any district, the following procedures shall be used to determine the most proper district:
1. If compatible with the existing zoning district intent, the unclassified use shall be permitted by Special Exception upon the approval and subject to the conditions set forth by the Leeds Zoning Board of Adjustment.

2. If the unclassified use is deemed to be incompatible with the intent of the existing zone district by the Building Inspector, he shall then consult with the Planning Commission in order to: 1) draft an appropriate definition for the use; 2) determine the most appropriate zone district(s) for the use.
3. Following the steps contained in number B above, the Planning Commission shall hold a public hearing to initiate an amendment to the Ordinance to include a specific definition for the unclassified use and a listing of zone(s) the use would be permitted in, including any specific conditions or criteria required.
4. Following the public hearing by the Planning Commission, the Planning Commission shall submit its recommendation(s) to the City Council for final action. (All public hearing notification and publication requirements required by law shall be met with respect to the public hearings held by both the Planning Commission and the City Council).
5. Following final action by the City Council, said amendments shall be incorporated into the Zoning Ordinance.

### § 3.00 Planning Commission

#### 3.01 Appointment

Any proposal for a zoning ordinance or for an amendment to the existing zoning ordinance must begin with the planning commission. Such commission shall be created and shall function as provided by the Code of Alabama, 1975, § 11-522 through 11-52-1001 as such may be amended; and, it shall have the powers granted herein.

### § 4.00 Zoning Board of Adjustment

#### 4.01 Appointment

A Zoning Board of Adjustment is hereby established. Such board shall be appointed as provided by the Code of Alabama, 1975, § 11-52-80 or as such may be amended; and, it shall have all the powers granted herein.

### § 5.00 Variances

The Zoning Board of Adjustment has the authority to authorize, upon appeal, in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. [An unnecessary hardship refers to a hardship which is NOT self-created.]



## 5.01 Justification

- A. Variances to the terms of this Chapter may be granted in individual cases upon a finding by the Zoning Board of Adjustment that the variance will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. Another essential factor is that the spirit of the Ordinance shall be observed and substantial justice done. More specifically, the Board shall determine that ALL of the following criteria have been satisfied"
1. Variances should be permitted only under peculiar and exceptional circumstances.
  2. A hardship alone is not sufficient. Alabama statutes require the verification of unnecessary hardship (not self created and not involving the design or other limitations of the land itself).
  3. Mere financial loss of any kind, which might be common to all of the property owners in a district, is NOT an unnecessary hardship.
  4. When a hardship is self-inflicted or self-created, there is no basis for claim that a variance should be granted.
  5. Variances should be granted sparingly and the spirit of this Chapter, in harmony with the spirit of State Law, should be carefully preserved to the end that the structure of this section would not disintegrate and fall apart by constant erosion at the hands of the Zoning Board of Adjustment.

## 5.02 Application For A Variance

- A. An application for a variance shall be filed with the Chairman of the Zoning Board of Adjustment at least fifteen (15) days prior to the scheduled hearing date before the Zoning Board of Adjustment. The application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the Building Inspector and shall include the following:
1. Name, signature and address of the property owner and agent of the property owner, if any.
  2. Address of the property under consideration.
  3. Existing zoning and present land use of the property under consideration.

4. Justification for a variance in accordance with ALL of the criteria cited in Section 4.0, Subsection 4.3.
5. A vicinity map showing the exact location of the property.
6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and proposed development layout with the variance noted or highlighted.
7. The names and addresses of adjacent property owners, as well as those property owners within five hundred (500) feet of the subject property as shown on the most recent records of the County's Tax Assessors Office.
8. An \$80.00 Administrative fee is required from the applicant or agent at the time the application for a variance is made, plus the cost incurred in the required notification and publication.

5.03 Public Notice Required (amended Ordinance No. 2003-12-03, 1/5/2004)

- A. At least fifteen (15) days prior to the scheduled Zoning Board of Adjustment hearing, the City Inspection Services Department shall cause to be posted a two sided, portable 4' x 4' (minimum) sign on or near the property in question. Such sign shall contain the following information:
  1. the name of the applicant;
  2. the location of the property;
  3. a brief statement as to the nature of the variance; and
  4. the time, date and location of the Zoning Board of Adjustment hearing at which said application is to be considered."
  5. arrow signs shall be placed of public right of ways indicated the direction of the property to be considered
  6. notice of hearing shall be posted in the following public places fifteen (15) days prior to the hearing: Leeds Water Works, Leeds City Hall, and Leeds Civic Center.
- B. In addition to the application fee, the applicant shall pay the cost of placing the above described sign on or near the property in question

5.04 Action on Appeals

In exercising the above mentioned powers, the Zoning Board of Adjustment may, as long as such action is in conformity with the terms of his Ordinance, reverse, affirm (wholly or partly) or modify the order, requirement, decision or determination as to what should be made; and, to that end, it shall have powers of the administrative official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance. [Code of Alabama, 1975, § 11-52-80 or as such may be Amended]

#### 5.05 Appeals - How Taken

- A. *Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved of by any officer, department, board or bureau of the City affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board, by filing with the Building Inspector and with the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers, documents, etc. that constitute the appeal.*
- B. *The Zoning Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof as well as due notice to the parties with the interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.*

#### 5.06 Stay Of Proceedings

An appeal stays all proceedings in furtherance of the action appealed, unless the Building Inspector certifies to the Zoning Board of Adjustment, after the notice of appeal is filed by him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In such a case, the proceedings shall not be stayed, other than by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application, on notice to the Building Inspector from whom the appeal is taken and on due cause shown.

#### 5.07 Appeals From The Action Of The Board

Any party aggrieved by any final judgment of the Zoning Board of Adjustment may appeal therefrom to the Circuit Court or court of like jurisdiction as provided by the Code of Alabama, 1975, § 11-52-80 or as the same may be amended, within fifteen (15) days from the date of the board hearing.

## § 6.00 Special Exception Uses

In certain cases, certain land uses are identified for special zoning treatment. The nature of these uses are such that, when properly regulated, they are appropriate in several zone districts. In order to bring about the proper integration of uses into the City's land use pattern, a special set of criteria or standards may be provided for each use listed in the Special Exception Use category. Review of these standards will tend to maintain compatibility with adjoining land uses and it is intended that the Leeds Zoning Board of Adjustment will review all such proposals for the types of uses in compliance with the appropriate provisions before approval is granted and appropriate permits are issued. (See Article VIII.)

## 6.01 Special Exception Procedures

- A. All uses listed as permitted by special exception shall require the submission of an application to the Zoning Board of Adjustment. An application for a special exception use shall be filed with the Building Inspector at least twenty-one (21) days ahead of the scheduled hearing date before the Zoning Board of Adjustment. An application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the Building Inspector. Such form shall be completed by the applicant or agent and include the following:
1. The name, address and signature of the property owner and agent of the property owner, if any
  2. The address of the property under consideration
  3. The existing zoning and land use of the property under consideration
  4. The proposed use by Special Exception
  5. A vicinity map showing the location of the property
  6. A plot plan, drawn to scale and dimensioned, showing the property boundaries and the proposed layout.
  7. In addition, the applicant or agent must, at the time of application, provide the Building Inspector with the names and addresses of adjacent property owners, as shown on the most recent records of the County Tax Assessor's Office.
  8. An administrative fee of \$100.00 is required from the applicant or agent at the time the application is made, plus the cost incurred in the required notification by first class mail and publication.

## 6.02 Public Notice

- A. At least fifteen (15) days prior to the scheduled Zoning Board of Adjustment public hearing, the Chairman of the Board of Adjustment shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Mail in the form of first class mail, addressed to those property owners at their addresses as submitted by the applicant at the time application is made. Any error in the addresses of such notices shall not invalidate the serving of notice, provided not more than five percent (5%) of the total number of notices contain any such error. Such notice shall contain the following:

1. The name of the applicant
2. The location of the property
3. The proposed use by Special Exception
4. The time, date and location of the Zoning Board of Adjustment Public Hearing.

## § 7.00 Amendments To The Zoning Ordinance Or The Zoning Map

The regulations and the number, area and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified or repealed by the City Council of the City of Leeds; but no amendment shall be considered unless it is first submitted to the Leeds Planning Commission for its review and recommendation. This body may, on its own initiative, propose changes and hold public hearings (public notice of which shall be posted) for the consideration of any proposed amendments to the provisions of this Ordinance or to the official Zoning Map of The City of Leeds, Alabama.

### 7.01 Authority To Amend

Whenever the public warrants, convenience, general welfare or good zoning practices warrants such action, the City Council, by favorable vote of a majority of the members, may amend the regulations of zoning district boundaries herein established, in accordance with the Code of Alabama, 1975, § 11-52-78 or as same may be amended.

### 7.02 Authorized Petitioners

A petition for amendment of this Ordinance or the Zoning District Boundaries may be initiated by the City Council, the Planning Commission, or by the property owner or agent of such property owner.

### 7.03 Petition For Amendment

- A. A petition for amendment, when initiated by the property owner or by an authorized agent of the property owner, shall meet the application requirements of this section.
- B. The application for rezoning shall be made on a form available from the Building Inspector and shall be filed with the Building Inspector at least twenty-one (21) days prior to the Planning Commission Hearing. The applicant shall provide the following information and materials:
  1. The name, signature and address of the property owner and agent of the property owner, if any
  2. The address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to the rezoning request.

3. The present and proposed zoning and land use of the property under consideration
4. The reason for the rezoning request
5. The availability of required utilities and methods of storm water drainage and traffic control
6. A vicinity map, drawn to scale, showing the size and location of the subject property
7. A site plan, drawn to scale and dimensioned, showing the property boundaries, public rights-of-way, and the proposed use and development layout
8. The names and addresses of all of the adjacent property owners, as shown on the most recent records of the County Tax Assessor's Office.
9. An administrative fee of \$175.00, plus the cost incurred in the notification by first class mail and publication.

#### 7.04 Public Notice

At least fifteen (15) days prior to the scheduled Planning and Zoning Commission public hearing, the Chairman of the Planning Commission shall give written notice of the proposal to all adjacent property owners, as well as those property owners within five hundred feet (500') of the subject property. Such notice shall be deemed given when deposited in the United States Mail, First Class, Postage Prepaid, addressed to those property owners at their addresses as submitted by the applicant at the time application was made, as well as publication in a newspaper of general circulation throughout the City and/or posting of such notice in four (4) conspicuous places within the City (if there is no newspaper of general circulation published within the City). Any error in the addresses of such notices shall not invalidate the giving of notice, provided that not more than five percent (5%) of the total number of notices contain any such error. Such notice shall contain the following:

- a. Name of the applicant.
- b. The location of the subject property.
- c. The proposed use of the property requested to be rezoned.
- d. The time, date and location of the Planning Commission public hearing.

## § 8.00

## City Council Action on Amendments

8.01 Notification and Adoption Requirements

- A. Upon receipt of the recommendation of the Planning Commission in favor of a proposed zoning amendment, the City Council shall give a "first reading " of the proposed amendment at a regularly scheduled City Council meeting and set a date for a public hearing to consider action on such request.
- B. At least fifteen (15) days prior to the public hearing before the City Council, the City Clerk shall cause to be published the proposed zoning amendment once a week for two (2) consecutive weeks (once in its entirety and once in a synopsis form referring to the date and name of the newspaper in which the proposed amendment was first published) in advance of its passage in a newspaper of general circulation published throughout the City. Said advertisement shall also contain a notice stating: (1) the name of the applicant; (2) the location of the subject property; (3) the proposed use of the property for which rezoning is being requested; and (4) the time, date, and location of the City Council public hearing. Such notice shall further state that at such public hearing, all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment. In addition, such notice shall be posted in four (4) conspicuous places within the municipality. However, if there is no newspaper of general circulation published within the City, the City Council must cause the synopsis only to be posted in four (4) conspicuous places within the municipality. Until these publication requirements have been met, no adoption of a zoning ordinance or amendment thereto shall be valid.
- C. The City Clerk shall also give written notice to all adjacent property owners as well as those property owners within five hundred feet (500'1 of the subject property. Such notice shall be deemed given when deposited in the United State Mail, First Class, Postage Prepaid, addressed to those property owners at their addresses as submitted by the applicant at the time application for rezoning was made. Any error in the addresses of such notices shall not invalidate the giving of notice provided not more than five percent (5%) of the total number of notices contain any such error.
- D. At the time and place scheduled for the public hearing of the proposed amendment, the City Council shall hear the presentation of the applicant, review the recommendation of the Planning Commission and hear any arguments in opposition to and/or support of the proposal by the general public.
- E. After such hearing, the City Council may adopt the Ordinance as reported by the Planning Commission or in such amended form as it deems best. However, if the City Council makes substantial changes in the Ordinance as first advertised, the City Council should hold another public hearing after giving notice as described herein.



- F. After the Ordinance is adopted by the City Council, it must again be published in the same manner as all municipal ordinances, subject to the provisions of Section 11-45-8 of the Code of Alabama.

§ 9.00 Limitations on Rezoning Requests

Should the City Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract of land will not be considered by the Planning Commission until a period of six (6) months has elapsed from the date of such action by the City Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the public hearing held by the City Council, shall also require a six (6) month time period before another application may be submitted.

## ARTICLE IV

## DEFINITIONS

## § 1.00 Purpose of Definitions

For the purpose of this Zoning Ordinance, certain terms used in the Ordinance shall have the meanings defined by this Article. In the event a term is not listed in this Article or is not defined elsewhere in this Ordinance, the conventional meaning of the term shall apply.

1.07 Interpretation

The Leeds Building Inspector is authorized to make a final determination of the meaning of any term used in this Ordinance. In the case of any dispute, an appeal of the Building Inspector's determination may be filed with the Zoning Board of Adjustment.

1.02 Word Usage

In the interpretation of this Zoning Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word "Shall" is mandatory and the word "May" is permissive.
- E. The word "Person" includes an individual, firm, corporation, association, organization, partnership, trust, or company.

§ 2.00 Words and Phrases Defined

The following general terms, when referred to in this Ordinance, shall have the meanings defined by this section:

**ABANDONED MOTOR VEHICLE** - Any motor vehicle which is partially dismantled, inoperative, (see inoperative motor vehicle definition), wrecked or junked which is left at any place on a street or highway within the City limits for a period of at least seventy-two (72) consecutive hours.

**ABUT, ADJACENT, ADJOIN OR CONTIGUOUS** - To physically touch or border upon or to share a common border with or be separated from the common border by an easement.

**ACCESS** - A way or means of approach to provide physical entrance to a property.

**ACCESSORY STRUCTURE**- A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. All buildings are considered structures but not all structures are buildings.

**ACRE** - A measure of land containing 43,560 square feet or area.

**ADDITION** - A structure added to the original structure at some time after completion of or after a Certificate of Occupancy has been issued for the original structure.

**ALLEY** - A service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION**- Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change to doors or windows, or any enlargement to a building or a structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**APPLICANT**-A person submitting an application for a permit, development of property, a variance, a special exception use or rezoning of property.

**BEDROOM** - A room designed, marketed or otherwise intended to function primarily for sleeping.

**BASEMENT** - A portion of a building located wholly or partially underground, having one-half (1/2) or more of its floor-to-ceiling height above the average grade of the adjoining ground.

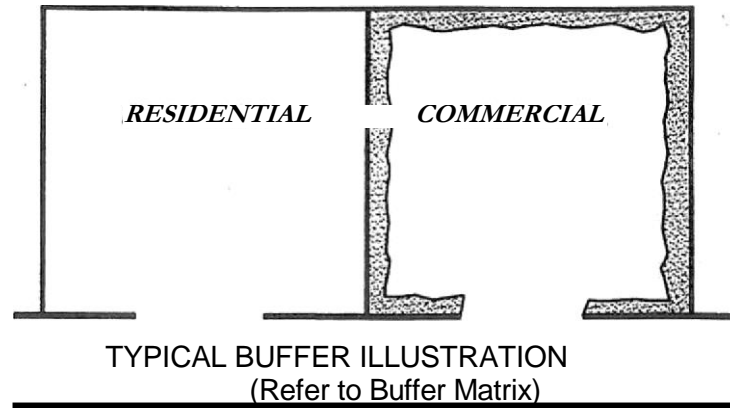
**BERM** - A grass covered or landscaped mound of earth with a slope of one-third (1/3) degrees or greater on both sides of the mound used to screen activities or uses.

**BLOCK** - A tract or parcel of land entirely surrounded by public streets other than alleys.

**BOARD OF ZONING ADJUSTMENT** - The Zoning Board of Adjustment of the City of Leeds, Alabama.

**BOARDER** - An individual, other than a member of a family, occupying the dwelling unit or part thereof, who, for compensation, is furnished sleeping accommodations and is furnished meals and other services as a part of consideration.

**BUFFER** - A strip of land that is retained in an undeveloped state for the purpose of providing a means of screening or separating incompatible land uses, promoting visual harmony, reducing noise, diverting emissions, reducing the effects of adjacent lighting and enhancing the natural environment. Buffers may consist of existing or planted trees, shrubs or other forms of vegetation, fences, walls or earth berm(s). (See typical illustration of buffer below)



**BUILDING** - A structure designed and intended to be used as a place of occupancy, storage or shelter.

**BUILDING, PRINCIPAL** - See principal building.

**BUILDING, FRONT** - The exterior wall of a building which faces the designated front lot line of a lot.

**BUILDING, HEIGHT** - The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

**BUILDING LINE or BUILDING SETBACK LINE** - A line generally parallel to the street right-of-way line at a distance equal to the depth of the front yard required for the zoning district in which the lot is located.

**BUILDING SPACING** - The minimum distance between buildings, measured from the outermost projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and eaves.

**CARPORT** - A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

**CITY** - Shall mean the City of Leeds, Alabama.

**CONDOMINIUM** - An ownership arrangement - not a land use - characterized by private ownership and maintenance of one (1) dwelling in a multi-unit dwelling (or group of multi-unit dwellings) or any combination thereof. Each resident (known as unit owners) enjoys exclusive ownership of his individual unit, holding fee-simple title thereto, while retaining an undivided interest (as a tenant in common) in the common facilities and areas of the buildings and grounds which are used by all of the residents.

**COUNCIL or CITY COUNCIL** - Shall mean the City Council of the City of Leeds, Alabama.

**CUL-DE-SAC** - A dead-end street terminated by a vehicular turnaround.

**DENSITY** - The minimum required lot area per dwelling unit or the maximum number of dwelling units allowed by this Ordinance per site area.

**DEVELOPMENT** - The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any mining, dredging, fitting, grading, paving, excavation, drilling, or disturbance of land; and any use or extension of the use of the land.

**DWELLING** - Any building or portion thereof which is designed, intended, or used for human occupancy.

**DWELLING, ATTACHED** - Three (3) or more dwelling units adjoining one another by a common wall, roof or floor, such as a townhouse or apartment.

**DWELLING, DETACHED** - A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit, such as a single-family residence, manufactured home, modular home, patio home or garden home.

**DWELLING, MULTI-FAMILY** - A building containing two (2) or more dwelling units on a commonly shared lot, such as a duplex or apartment.

**DWELLING, SEMI-DETACHED** - Two (2) dwelling units adjoining one another by a common wall, roof or floor, such as a duplex or twin townhouses.

**DWELLING, SINGLE FAMILY** - A dwelling unit on an individual lot, such as a single-family residence, garden home, patio home, manufactured home, townhouse or modular home.

**EASEMENT** - Authorization by a property owner of the use of a designated part of his property by another for a specified purpose.

**FAMILY** - One (1) or more persons living together as a single housekeeping unit.

**FENCE** - An artificially constructed barrier of any material or combination of materials, or vegetation which is planted or retained as a means to enclose or screen areas of land or land uses.

**FLOOR AREA, GROSS** - The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**HOME OCCUPATION** - A business, profession, occupation or trade conducted for gain or support and located entirely within the living area of a dwelling as an incidental activity of the residents of that dwelling. Moreover, such activity shall not alter the exterior of the property or affect the residential character of the neighborhood in which it is located.

**IMPROVEMENT** - Any man-made immovable item which becomes a part of, placed upon or affixed to real estate.

**INOPERATIVE MOTOR VEHICLE** - A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved from one location to another under its own power.

**LIVABLE FLOOR AREA** - Any floor area within a dwelling usable for any combination of sleeping, eating, cooking, recreation or working purposes.

**LOT** - A parcel of land in one (1) ownership, used or set aside and available for use as the site of one (1) or more buildings and accessory structures or for any other permitted purpose.

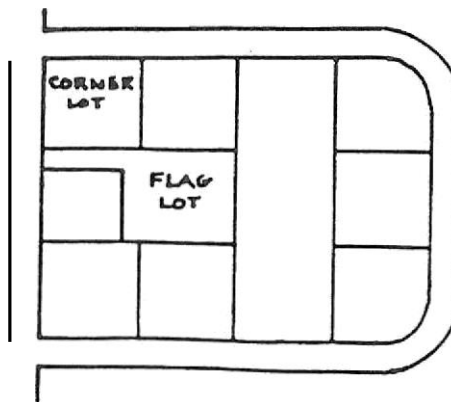
**LOT, CORNER** - A lot abutting two (2) or more streets at their intersections. (See Flag Lot Illustration)

**LOT, DOUBLE FRONTAGE OR THROUGH** - A lot having frontage on two (2) or more streets, but not at their intersections. (See Flag Lot Illustration)

**LOT, INTERIOR** - A lot other than a corner lot. (See Flag Lot Illustration)

**LOT, REVERSE FRONTAGE** - A double frontage lot having a rear yard on a major street and a front yard and access to a local or marginal access street.

**LOT, FLAG** - A parcel of land which does not have the required minimum lot width at the building line but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the flag pole) are parallel or nearly parallel. These provisions are intended for tracts with limited frontage that would limit the number of lots with the required width, but the tract would have sufficient area to the rear for one (1) or two (2) additional lots. (See illustration below for examples of various types of lots defined herein, including flag lot).

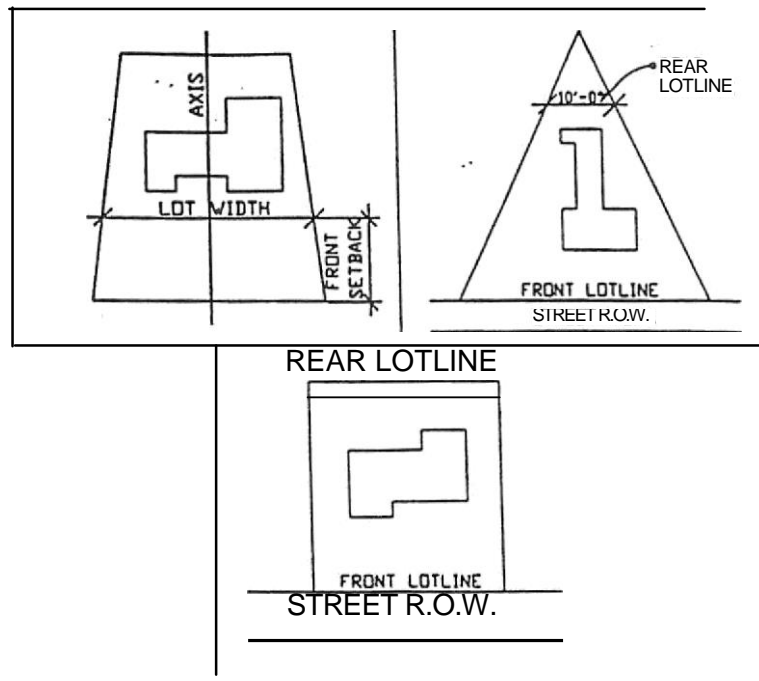


**LOT AREA OR LOT SITE** - The minimum area contained within the property of the individual parcels of land shown on the subdivision plat or survey. Lot area excludes any area within an existing or future street right-of-way or any area devoted to common open space.

**LOT FRONTAGE**- The lot width measured at the street line. When a lot has more than one (1) street line, lot width shall be measured and the minimum lot width shall be measured and the minimum lot width required by this Ordinance shall be provided at each such line.

**LOT LINE** - A line bounding a lot which divides one (1) lot from another or from a street or from any other public or private place.

**LOT LINE, REAR** - That lot line which is parallel to and most distant from the front line or the lot. In the case of a triangular lot, a line ten feet (10') in length, entirely within the lot, parallel to and at the maximum distance from the front lot line shall be considered to be the rear lot line. (See examples below)



**LOT LINE, SIDE** - Any lot line other than a front lot line or a rear lot line.

**LOT LINE, FRONT** - The lot line the principal structure parallels shall be considered the front yard of the lot. In cases where structures face two (2) streets, the lot line that has the least frontage shall be deemed to be the front yard. Where lot lines are approximately the same, the owner shall specify which shall be considered the front yard. (See illustration under Lot Line -Rear for example)

**LOT OF RECORD** - Any legally recorded lot, which, at the time of its recording, complied with all applicable laws, ordinances and regulations.

**LOT OF RECORD - NON-CONFORMING** - Any legally recorded lot, which, at the time of its recording complied with all applicable laws, ordinances and regulations, but as the result of the adoption of this Ordinance, may possess less area and width than required for the district in which it is located.

**NON-CONFORMITIES** - Lawful uses of lots, structures or characteristics of uses which, as a result of the adoption of subsequent amendments to this Ordinance, no longer conform to all applicable provisions contained therein.

**OPEN SPACE, COMMON** - Land area within a residential development that is held in common ownership and maintained by a homeowner's association for all of the residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by the provisions of this Ordinance to insure that it remains in such uses. Common open space does NOT include surface water bodies, (i.e. streams, lakes or ponds) nor land occupied by nonresidential buildings, common drive-ways or parking areas or street rights-of-way; nor does it include lots for single-family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational facilities.

**OUTDOOR STORAGE** - The keeping, in an unenclosed area, of any goods, materials, merchandise, products, or vehicles in the same place for more than forty-eight (48) hours.

**OWNER** - The person or persons having the right and legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land.

**PERIMETER** - The boundaries or borders of a lot, tract or parcel of land.

**PLANNING COMMISSION** - Shall mean the Planning Commission of the City of Leeds, Alabama.

**PORCH** - A roofed area, which may be screened, attached to and with direct access to or from a building.

**PREMISES** - A lot, parcel, tract or plot of land together with the structures thereon.

**PRINCIPAL BUILDING** - The primary building on a lot or a building that houses a principal use.

**PROPERTY LINE** - The lot line or boundary line.

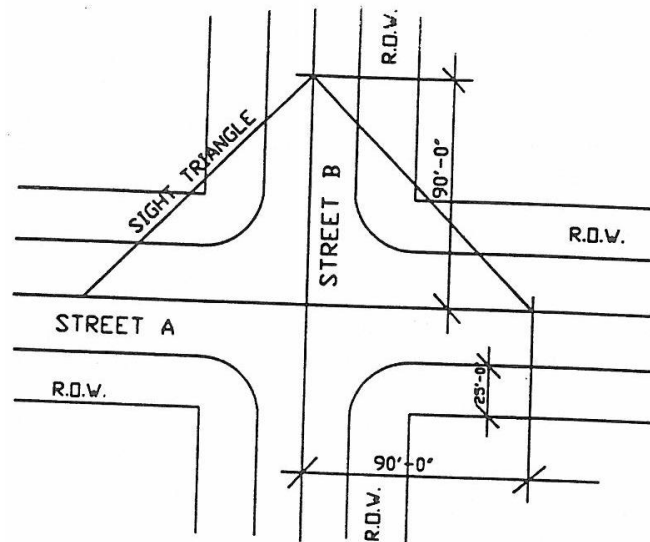
**RETAIL** - The provision of services or the sale of goods and merchandise at retail prices to the general public at large, for personal or household use or consumption.

**SATELLITE DISH ANTENNA** - An accessory structure designed to receive television broadcasts relayed by microwave signals from earth orbiting communication satellites.

**SCREEN** - To visually shield or obscure one abutting or nearby structure or use from another by means of opaque fencing, walls, earth berm, or densely-planted vegetation.

**SIGHT TRIANGLE**- A triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See typical illustration below)





**SITE** - A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.

**SITE AREA** - A minimum land area required to qualify for a particular use or development. Site area is taken from an actual site survey and excludes:

- Land within an existing or future street right-of-way, or utility right-of-way easement;
- Land which is not contiguous or is cut off by a major barrier;
- Land which is part of a previously-approved development, and
- Land which is zoned for another use.

**SPECIAL EXCEPTION USE** - A use which is permitted subject to special exception is a use that would not generally be appropriate without restriction (s) throughout the zoning district; but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health. This use is permitted, subject to a Special Exception Use Permit being granted by the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with the provisions of this Ordinance.

**STORY** - That portion of a building included between the upper surface of a floor and upper surface of the floor or ceiling next above. A mezzanine (a low ceiling story between two main stories of a building) or partial floor shall be counted as a story if the vertical distance from the floor next below to the floor or ceiling next above is twenty-four feet (24') or more. A basement shall be counted as a story if it is used as a livable area (in the case of dwellings) or is used by the principal use (in the case of other uses).

**STREET** - Any vehicular way which has been dedicated to the public use, including all land within the right-of-way.

**STRUCTURE** - Anything constructed or erected with a fixed location on the ground or attached to anything having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

**SUBDIVISION** - The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions for the purpose, whether immediate or future, of sale or building development. Such term includes re-subdivision of land, and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided. [See also, City of Leeds, Subdivision Regulations.]

**TERRACE** - A leveled, landscaped or surfaced area on a lot directly adjacent to or close to a principal building and not covered by a permanent roof.

**TRAVEL TRAILER/RECREATIONAL VEHICLE** - A structure that is intended to be transported over the streets, either driven as a motor vehicle or attached to or hauled by a motor vehicle; and, it is designed for temporary recreational use as sleeping quarters but does not meet the defined criteria of a Manufactured (Mobile) Home.

**USE**- The activity or function that actually takes place or is intended to take place on a lot or site.

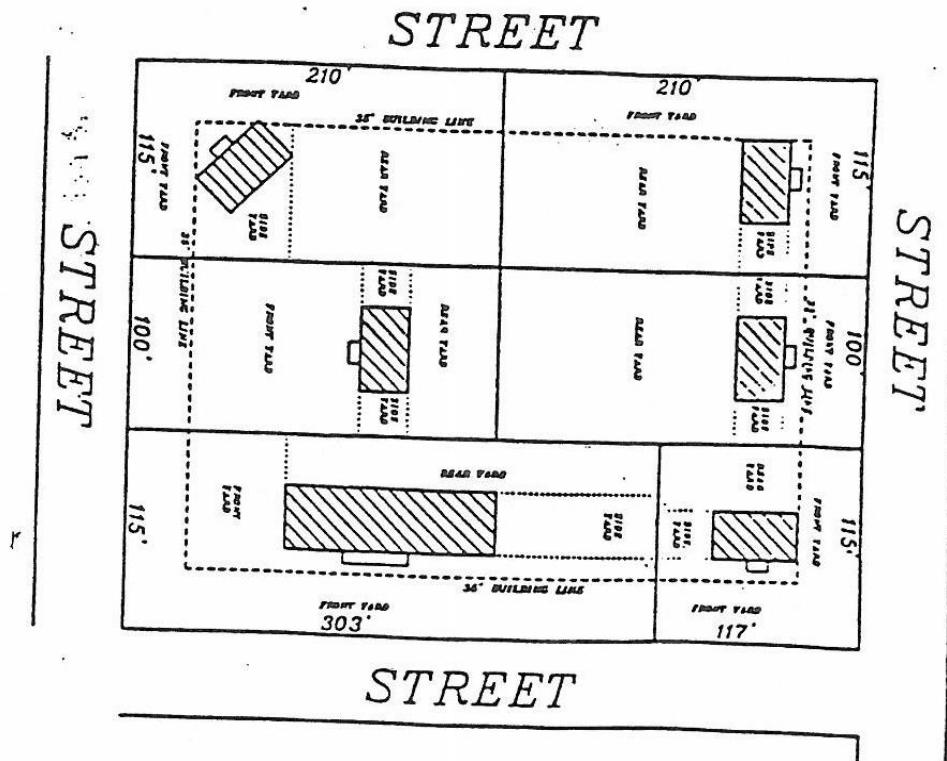
**VARIANCE** - A relaxation or waiver of the terms of this Ordinance (other than use provisions) as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. However, in all cases the spirit of this Ordinance shall be observed and substantial justice done, as determined by the Zoning Board of Adjustment.

**YARD** - A minimum open area, unobstructed from the ground up, extending along a lot line and inward to the structure. The yard shall be measured as the shortest distance between the structure and the lot line.

**YARD, FRONT** - A yard extending along the full width of the front lot line between side lot lines and from the front lot line to the front building line in depth.

**YARD, SIDE** - A yard lying between the main building and the side lot line extending from the required front yard to the required rear yard.

**YARD, REAR** - A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. (See typical illustrations of yards below).



When referred to in this Ordinance, the following uses shall have the meanings defined in this section:

#### Agriculture Uses.

**FARM** - A parcel of land, consisting of at least five (5) acres of land, in one (1) ownership, used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including the following activities:

- Forage and Sod Farms
- Livestock, such as beef cattle, swine, sheep, goats, or any similar livestock; including the breeding and raising of such animals but not including commercial meat processing operations; this shall not be construed to include the slaughter and processing of animals grown on the premises for personal consumption.
- Poultry, including egg production, but not including commercial poultry processing operations.
- Nursery operations involving the raising of plants, shrubs and trees for sale and transplantation, including greenhouses and the incidental sale of items customarily associated with the operation of a nursery.

- Bees and apiary installations and products;
- Fisheries, excluding commercial fish processing operations;
- Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations.
- Temporary sawmills and chippers (used in connection with timber cutting operations) Subject to the requirements set forth in the Supplemental Regulations, Article VII, Article VII, § 10.00 (11).
- Barns and other accessory structures associated with farming and livestock Subject to Supplemental Regulations, § 10.00 (D).
- Blacksmith operations
- A booth or stall (farm stand) Subject to the requirements of the Supplemental Regulations, Article VII, § 10.00 (C).
- Kennels
- Residences as listed in the A-1 Agriculture District, subject to the conditions set forth therein.

**FARM SUPPORT BUSINESS** - A commercial establishment engaged in the sale of farm support goods, equipment and services, including the following activities:

- the sale of feed, grains, fertilizers, pesticides, trees, seeds, plants, and similar goods;
- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services to farm animals. FOWL - Chickens, turkeys, ducks, geese, quail, guineas, etc.

**HOBBY FARM** - A two (2) acre or larger tract of land used for the keeping or maintenance of farm animals personally useful to the occupants of the dwelling on the same tract.

**KENNEL** - A lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.

**LIVESTOCK** - Cows, horses, goats, sheep, swine, ponies, etc.

**LIVESTOCK SALES** - The sale of animal livestock within an enclosed yard or structure, including: Livestock markets, horse or cattle auctions and similar activities.

**STABLE - PRIVATE** - An accessory building in which horses or ponies are kept for private use and not for commercial purposes including: boarding, riding, hire or sale.

**STABLE- PUBLIC** - An accessory building in which horses are kept for commercial uses including: boarding, riding, hire or sale.

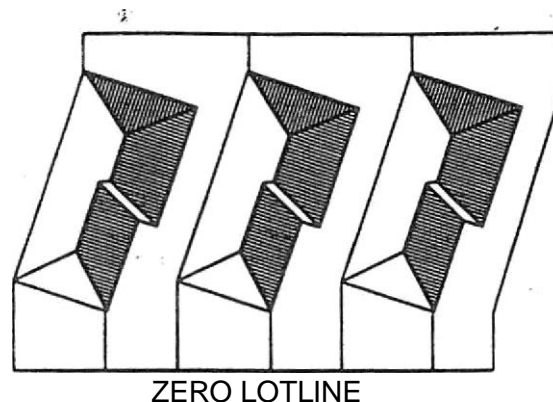
**VEHICLE AND EQUIPMENT SALES - MAJOR** - A place of business engaged in the sale or rental of: heavy trucks (over one ton); construction equipment tractors and farm implements; and similar equipment including the storage, maintenance, and servicing of such vehicles and equipment.

## § 2.02 Residential Uses

**APARTMENT** - Three (3) or more attached, multi-family dwelling units within a building of three stories or less.

**DUPLEX** - Two (2) attached, single-family dwelling units.

**GARDEN HOME** - A detached, single-family dwelling designed on a small lot with one (1) zero lot line on one side. (See typical illustration below)



GARDEN HOME

**MANUFACTURED (MOBILE) HOME** - A structure, transportable in one (1) or more sections which, in its traveling mode, is eight (81 body feet or more in width and forty (40) body feet or more in length; or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation, is connected to the required utilities, and includes the plumbing and electrical systems required. If constructed on or before June 15, 1976, the unit bears a seal certifying compliance with the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. (DHUD)

**PLANNED UNIT DEVELOPMENT** - A planned unit development is a mixed use development with a flexible approach toward the designing of large areas as a whole. The permitted uses include residential, commercial, office use, institutional and industrial uses. Such developments adhere to a Site Plan and other relevant design proposals. The conditions under which such a development is allowed is general in nature and shall be applied only upon the approval of actual drafted plans and design proposals. Such developments involve the expertise of personnel from different professions. They may be carried out in phases but any change made to the design and the plans must be approved by the City of Leeds. A certain amount of flexibility in

zoning and subdivision regulations is granted to the developer in order to achieve better overall design, urban spaces, street design, landscaping, infrastructure, networks, etc.

**TOWNHOUSE** - Townhouse means a form of ground-related housing, in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit, with no more than six (6) units attached together. Each of these units occupies interior space from the ground to the roof and has direct access to private open space.

**SINGLE-FAMILY RESIDENCE** - A detached, single-family dwelling constructed on-site and in accordance with the requirements of the 1997 Edition of the Standard Building Code.

### 2.03 INSTITUTIONAL USES

**ANIMAL SHELTER** - A non-profit or public organization providing shelter for domestic animals.

**CEMETERY** - Human burial grounds.

**CEMETERY, PET** - Burial grounds for domestic animals which were pets.

**CLUB** - A group of people organized for a common purpose to pursue common goals, interests, and activities and usually characterized by: certain membership qualifications, payment of fees/dues, regular meetings, a constitution or set of by-laws.

**COMMUNITY CENTER OR CIVIC CENTER** - A building, structure, or other facility used for and providing: religious, fraternal, educational, social and/or recreational programs and activities generally open to the public and designed to accommodate and serve significant segments of the community.

**COUNTRY CLUB** - Land or buildings containing recreational facilities and a club house for private club members and their guests.

**DOMICILIARY CARE FACILITY** - Licensed homes for the aged, intermediate institutions and related institutions (not otherwise defined in this ordinance) the primary purpose of which is to furnish room, board, laundry, personal care and other non-medical services (regardless of what it may be named or called) for not less than twenty-four (24) hours in any week, to individuals not related by blood or marriage to the owner or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who, because of age or disability, are incapable of living independently in their own homes or in a commercial room and board situation, yet who do not require the medical and nursing services provided by a nursing home. In these facilities, there might be available, temporarily and incidentally, the same type of limited medical attention that an individual would receive if living at home.

**GROUP CARE HOME** - A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care and education and work toward enabling the resident to live as independently as possible in order that he or she may participate in community activities, and, at the same time, work to reach his or her maximum development potential. (See Code of Alabama, 1975, § 11-52-75, Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone, as amended.)

**HALFWAY HOUSE** - A licensed home for inmates on release from more restrictive custodial confinement or an initial place in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to guide residents back into society, enabling them to live independently.

**HOSPITAL** - An establishment which provides health services primarily for inpatient medical or surgical care of the sick and injured, including accessory facilities such as: laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias and staff offices.

**MILITARY INSTALLATION** - A government-sponsored defense facility, including: military bases, National Guard armories, military reserve centers and similar uses.

**NURSING CARE FACILITY** - A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

**PARK** - Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.

**PENAL INSTITUTION** - A public institution housing inmates for correction or rehabilitation (This definition shall not apply to jails)

**PLACE OF WORSHIP** - Buildings arranged for religious purposes, such as churches and synagogues, including related facilities for: instruction, meeting, recreation, lodging, eating and other integrally related activities.

**PUBLIC ASSEMBLY CENTER** - Buildings arranged for the purpose of providing public for community events, such as coliseums, stadiums, etc.

**PUBLIC BUILDING** - Buildings arranged for the purpose of providing public services, not otherwise defined in this section, including: government and municipal buildings, post offices, museums, libraries, transit stations, police and fire stations, municipal buildings, emergency service stations, civil defense operations and similar uses.

**PUBLIC UTILITY FACILITY** - A facility that provides public utility services to the public at large, including: water and sewer, gas distribution, electric transmission and distribution and cable transmission and distribution facilities.

**PUBLIC UTILITY SERVICE** - Essential utility services required to support development and which involve only minor structures such as lines and poles.

**SCHOOL** - A public or non-profit school.

## 2.04 COMMERCIAL USES

**AIRPORT** A place where commercial aircraft can land and take-off. Such use may include: terminals, hangars, fueling and repair facilities, passenger accommodations and other integrally related facilities.

**ANIMAL HOSPITAL** - A place where small household pets are given medical treatment which may include surgical treatment, and where the short-term boarding of pets within an enclosed building may be provided.

**BAKERY -MINOR** - An establishment which bakes goods for on-premises retail sale only.

**BANK OR FINANCIAL INSTITUTION**- A business engaged in providing banking or financial services to the general public, such as: banks, savings and loan institutions, credit unions, finance companies and similar uses.

**BED AND BREAKFAST INN** - A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the Inn shall live on the premises or in adjacent premises.

**BOARDING HOUSE** - A dwelling for the residency of two (2) or more boarders a long-term basis (at least month-to-month). Each unit intended to be rented does not constitute a dwelling unit as defined in this Ordinance.

**BROADCAST STUDIO** - Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including: film and sound recording, radio stations, television studios or telegraphic service offices.

**BUSINESS OR PROFESSIONAL OFFICE** - A place where the administrative affairs of a business or a profession are conducted, such as: a law firm, accounting or bookkeeping firm; real estate agency; insurance agency; financial planner; architect; consulting services; physician or dentist; secretarial service; engineer; the administrative staff of a business or industry; and, similar uses.

**BUSINESS SUPPORT SERVICE** - A place of business which supplies support services primarily to business or professional offices or services, such as: photocopying; office equipment; supplies and services; cleaning services; computer and office equipment and repair and/or service; and similar establishments.

**CAMPGROUND** - A group of buildings or structures, on a site of ten (10) acres or more, (planned as a whole) for seasonal recreation or vacation uses, including: tent campsites, travel trailer or recreational vehicle sites; vacation cottages, recreational facilities, eating facilities, (such as picnic tables and/or outdoor grills) and bathrooms, which may include a facility which provides for the sale of personal items and gifts.



**CAR WASH** - A commercial establishment engaged in washing or cleaning of automobiles and light vehicles. Such a facility may be automated or may employ the services of individuals to perform such services manually.

**VEHICLE CLEANING AND/OR DETAILING** - A commercial establishment which engages in exterior and interior cleaning of motor vehicles (washing interior shampoo of carpets, mats, and other interior parts of the vehicle. Such establishment may also engage in detailing work on motor vehicles such as stripping, molding, etc., as well as waxing and buffing of such vehicles.

**CLINIC** - A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an out-patient basis.

**COMMERCIAL PARKING** - Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

**COMMERCIAL SCHOOL** - A private, gainful business providing instructional services in: the arts, business, crafts, trades or professions.

**CONVENIENCE STORE** A one-story, retail establishment, with less than two thousand (2,000) square feet of gross floor area, that is primarily designed to sell food, beverages and other household goods and products to customers who purchase only a relatively few items at a time (in contrast to a supermarket). Such establishment may also engage in the incidental sale of vehicle fuel, oil and accessories; but, it shall not engage in either major or minor vehicle repair activities, as defined in this Ordinance.

**DAY CARE CENTER** - A licensed facility, other than a residence, providing day care on a regular basis to more than six (6) children, elderly, handicapped or infirm persons.

**DAY CARE HOME** - A licensed service, operated from a dwelling by the resident, providing day care on a regular basis to six (6) or less children, elderly or infirm persons.

**ENTERTAINMENT, INDOOR** - A commercial establishment providing spectator entertainment within an enclosed building, including: movie theaters, playhouses, etc.

**ENTERTAINMENT, OUTDOOR** - A commercial establishment providing spectator entertainment in open, partially-enclosed or screened facilities, including sports arenas, racing tracks, drive-in theaters, amusement parks, and similar activities.

**FUNERAL HOME** - A building (or part thereof) used for human funeral services. Such building may contain space and facilities for:

- A. The embalming and the performance of other services used in preparation of the dead for burial.
- B. The performance of autopsies and other surgical procedures.
- C. The storage of caskets, funeral urns, and other funeral supplies.

- D. Space for storage of funeral vehicles is allowed, but funeral homes shall not include facilities for cremation.

When a funeral home is permitted, a funeral chapel shall also be permitted as an incidental use.

**GARAGE, REPAIR** - Any place of business engaged in major vehicle repair activities as defined in this Ordinance. Such establishments may also engage in minor vehicle repair activities and in the sale of vehicle fuel. All major vehicle repair work shall be performed entirely within an enclosed building. No such building or premises shall be used for the parking of vehicles which are offered for sale, nor shall any abandoned or inoperative motor vehicles be permanently stored on the premises.

**GARDEN CENTER OR NURSERY** - Retail sale of plants, trees, shrubs and the like for ornamental purposes conducted from a building, greenhouse, outdoor display area or stand, including incidental sales of items customarily associated with such sales activities (containers, fertilizers, ornaments, mulch, potting soil, small gardening tools and equipment, and seeds).

**GASOLINE SERVICE STATION** - A commercial establishment providing fuel, lubricants, parts and accessories for vehicles, which may also engage in the incidental sale of food items and beverages. Minor vehicle repair activities (as defined in this section) may also be performed. However, neither the principal building nor the premises shall be used for the parking of motor vehicles offered for sale, nor such building or premises shall be used for the permanent storage of inoperable or abandoned motor vehicles. All gasoline storage tanks shall be underground and in full compliance with Alabama Department of Environmental Management (ADEM) requirements as well as all other applicable laws and requirements.

**GENERAL RETAIL, ENCLOSED** - Retail sales of goods and services, not otherwise defined in this section, including, but not limited to, food sales, department stores, clothing stores, home furnishings, appliance stores, automobile parts and supply stores, video rental, gift shops, florist shops, hardware stores, jewelry stores, variety stores, sporting goods stores, antique shops, auction houses, and similar retail activities.

**GENERAL RETAIL, UNENCLOSED** - The retail sales of goods and services not otherwise defined in this section, conducted partially or fully outside the principal building, including, but not limited to: sidewalk sales, flea markets, outdoor food service and similar activities.

**GROCERY STORE/SUPERMARKET** - A retail establishment which usually contains in excess of 2,000 square feet in which the following items are normally sold: a wide range of food items, beverages, household supplies, personal care items, etc. Such facility may also contain sections offering for sale such items as flowers and plants, magazines, deli and/or minor bakery, but shall not engage in any form of vehicle repair or maintenance or the sale of vehicle fuel.

**HOME OCCUPATION** - A business, profession, occupation or trade which is conducted for personal gain or support and is located entirely within the living area of the dwelling, as an incidental activity of the residents of that dwelling. Such an activity shall not alter the exterior of the dwelling or the property or affect the residential character of the neighborhood in which it is located.

**HOME IMPROVEMENT CENTER** - A place of business providing building, yard and garden supplies, yard maintenance equipment, paint, wallpaper, plumbing supplies, building supplies, home improvement publications and information, appliances; tools and similar products either at retail or wholesale.

**HOTEL OR MOTEL** - A commercial establishment offering transient lodging accommodations on a daily or weekly basis to nine (9) or more guests. Such facility may also include, as an integral part of its operation, such services as: restaurants, meeting rooms, banquet rooms, gift shops, recreational facilities, etc. Hotels and motels may also include, as an incidental use, a liquor lounge in which liquor is sold for on-premise consumption.

**LIQUOR LOUNGE** - A licensed establishment engaged in the preparation, sale of serving of liquor for consumption on the premises. This shall include, but not be limited to, the following terms: taverns, bars, cocktail lounges, nightclubs and similar uses where liquor consumption is a primary or incidental activity on the premises of the establishment. Not included in this definition are establishments which sell alcoholic beverages for off-premise consumption only, such a package store, State Alcoholic Beverage Store, supermarkets, convenience stores, etc.

**MANUFACTURED (MOBILE) HOME SALES** - A lot or tract of land used for the display of manufactured (mobile) homes for sale.

**MEDICAL SUPPORT SERVICE** - A place of business which supplies medical support services to individuals, medical practitioners, clinics and hospitals, such as a pharmacy (where the business activity is limited to the filling of prescriptions and the sale of drugs and medical supplies), a medical and surgical supply store, and optician and the like.

**MINI-WAREHOUSE** - A structure (or group of structures) that is partitioned for leasing of individual storage spaces and is exclusively used for the storage of non-toxic, non-volatile, and non-explosive materials. The facility shall not be used for retail or wholesale sales operations. However, such facility may be permitted to hold periodic auctions to dispose of unclaimed materials and goods that are stored and not reclaimed by the party or parties signing the lease agreement.

**OPEN AIR MARKET** - Retail sales of art, crafts, produce, discontinued or used goods which are located partially or wholly outside or within an enclosed building. This may include produce market, farmer's market, craft market or similar activities.

**PERSONAL SERVICE** - A retail establishment engaged in providing services involving the personal care of individuals, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry service, including laundromats, indoor exercise and fitness centers, tanning salons, seamstress or alteration service,

shoe repair, gunsmith, travel agencies, locksmiths, interior decorators, formal wear sales and/or rental, and similar uses.

**PRINTING ESTABLISHMENT, MINOR** - A commercial establishment providing blueprinting, copying, printing, engraving, book binding, or other reproduction services limited to 2,500 square feet of floor space.

**RECREATION** - A commercial establishment providing recreational or sports activities to participants, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, driving ranges, miniature golf courses, conventional golf courses, swimming pools, tennis courts and other commercial recreational and sports activities.

**RENT-ALL ESTABLISHMENT**- A commercial establishment engaged in the rental of a wide variety of tools and equipment including but not limited to: backhoes, lawnmowers, garden tillers, cement mixers, chain saws, ladders, etc. Such is usually rented on an hourly, daily or weekly basis for enumeration. (All equipment and rental items must be stored entirely within an enclosed building or if stored outside, must be screened from public view by an opaque fence which is adequate in height to conceal such items from public view and all repairs must be conducted within the screened area or entirely within an enclosed building.

**RESTAURANT, STANDARD** - An establishment where food and drink are prepared, served and primarily consumed within the building where patrons are seated.

**RESTAURANT, FAST-FOOD** - An establishment where food and drink are rapidly prepared for carry-out and fast delivery. Such establishment usually contains drive-through windows where food may be picked up by patrons or drive in facilities where patrons may order and receive food while seated in motor vehicles. Such establishment may also contain facilities for standard sit-down consumption of food by patrons.

**SHOPPING CENTER** - A group of commercial establishments located on a lot, planned and developed in a unified manner and designed with shared parking and driveway facilities, all under a common ownership or management authority. The premises shall not be used for the parking of vehicles offered for sale.

**STABLE, PUBLIC** - An accessory building in which horses are kept for commercial use, including boarding, hire and sale. The definition shall also include the term "riding school" in which patrons are provided riding lessons for remuneration to the owner.

**STUDIO** - A place of work for an artist, photographer, or craftsman, including instruction, display, production and retail sales of materials produced on the premises.

**TREE CUTTING -COMMERCIAL**- Any individual, group, corporation, business or company engaged in the cutting of trees or timber for profit or financial gain. Such groups are usually required to be bonded and licensed to carry on this type of activity.

TRUCK STOP - A commercial establishment which may contain a restaurant (standard) or a delicatessen; gift shop, provisions for the incidental sale of gasoline, including diesel fuel; designated areas for the temporary parking of large/rigs, including overnight parking; and, the sale of vehicle equipment, motor oil and other vehicle accessories. Such a facility may also engage in minor vehicle repair activities, as defined in this Ordinance; however, such facility or premise shall not be used for the permanent storage of the types of equipment mentioned above. There shall be no display of vehicles or equipment offered for sale or the storage of inoperable or abandoned vehicles. All gasoline storage tanks shall be in complete compliance with Alabama Department of Environmental Management requirements as well as all local regulations.

VEHICLE SALES OR RENTAL - A commercial establishment engaged in the sale or rental of: automobiles, light trucks, travel trailers, recreational vehicles, boats and motorcycles. (This includes the incidental: parking storage, maintenance, servicing, and repair of such vehicles) All servicing and repair work shall be performed within an enclosed building, with the exception of the washing and waxing or such vehicles.

VEHICLE REPAIR, MINOR - A place of business engaged in sales, installation and servicing of mechanical equipment and parts, including: audio equipment and electrical work, lubrication, tune-ups, wheel alignment, tire balancing, brake and muffler work, battery charging and/or replacement and similar activities. No such building or premises shall be used for the parking of vehicles which are offered for sale, nor shall any abandoned or inoperative motor vehicles be permanently stored on the premises.

VEHICLE REPAIR, MAJOR - A place of business engaged in the repair and maintenance of vehicles, including painting, body work, rebuilding or vehicle engines or transmissions, upholstery work, fabrication of parts and similar activities, all of which shall be performed entirely within an enclosed building. No such building or premises shall be used for the parking of vehicles which are offered for sale, nor shall any abandoned or inoperative motor vehicles be permanently stored on the premises.

## 2.05 INDUSTRIAL USES

BAKERY, MAJOR - An establishment which bakes goods primarily for wholesale and/or retail sale which may also include storage and distribution facilities.

CONSTRUCTION SERVICE - A place of business engaged in construction activities and incidental storage, as well as wholesaling of building materials such as a building contractor, trade contractor or wholesale building supply store. This shall not include a home improvement center, which also sells material at retail.

**INDUSTRY, HEAVY-** All meat and poultry processing facilities; slaughterhouses; the storage of manufacturing, disposal or destruction of: flammable, explosive or toxic materials, or other materials generally considered to be hazardous.

**INDUSTRY, LIGHT** - A use engaged in the manufacturing, predominately from previously prepared materials, finished products or parts, including fabrication, assembling, treatment and packing of such products; and the incidental storage, sale and distribution of such products. This use excludes the basic industrial process.

**MANUFACTURING, GENERAL** - The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sale and distribution of such products.

**MAINTENANCE SERVICE** - An establishment providing building and yard maintenance services, such as: janitorial, exterminating, landscaping, window cleaning, office cleaning, etc.

**PRINTING ESTABLISHMENT, MAJOR** - An establishment engaging in blue printing, copying, printing, engraving or other reproduction services with no limit on its floor space/area.

**RECYCLING PLANT** - A facility in which recoverable resources, such -as: newspapers, magazines, books and other paper products; glass, metal cans; and other products are recycled, reprocessed and treated to a condition that is adequate for their reuse. The definition of this use is not to be confused with either the term "Junk Yard or Salvage Yard".

**RESEARCH LABORATORY**- A building or group of buildings in which scientific research, investigation, testing or experimentation facilities are located. There shall be no provision for the manufacturing or sale of the products, except as incidental to the main purpose of the laboratory. The definition shall not include the term "testing facilities" which are frequently located within a manufacturing plant as an integral part of the facility in which possible defects and/or the quality of the product produced on the same premises are evaluated prior to final production.

**RESOURCE EXTRACTION**- The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including: quarries, sand and gravel operations; gas extraction; mining, etc.

**SALVAGE YARD OR JUNK YARD** - A lot, structure or part thereof, used primarily for: the collecting, storage and sale of waste paper, rags, scrap metal or other discarded materials; the collecting, dismantling, storage and salvaging of machinery or motor vehicles not in running condition,. or for sale of parts thereof.

**SANITARY LANDFILL** -A state approved site for solid waste disposal employing an engineering method of waste disposal that minimizes environmental hazards. This operation shall employ processes of spreading, compacting to the smallest volume possible, and applying cover material over all exposed waste at the end of each operating day. NOTE: A sanitary landfill should not be confused with a dump which is illegal in any location. Solid waste at a dump is disposed of without being compacted and covered with little or no environmental considerations considered. A sanitary landfill presents fewer health, and

aesthetic problems and has the potential of being reclaimed for other uses later. The disposal of hazardous or radioactive waste material is not permitted in a sanitary landfill.

**SURFACE MINING** - Any activity constituting all or part of a process for the removal of minerals, ores or other solid matter for sale or for processing or for consumption in the regular operation of a business. (Subject to all State and Local Regulations pertaining to surface mining)

**TRANSMISSION TOWER, NON-COMMERCIAL** - A non-commercial structure which may be situated in commercial or non-commercial areas and may include amateur radio towers, ham operations, private receivers, etc.

**TRANSMISSION TOWER, COMMERCIAL** - See Article VIII, Special Exception Uses, Section 13.00.

**TRUCK TERMINAL** - The land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair and maintenance of trucks associated with the terminal.

**WRECKER SERVICE YARD** - A lot or parcel of land used for the outside placement and/or storage of vehicles awaiting final disposition. Disabled vehicles may not be placed or stored on the premises unless the property is properly zoned and all pertinent licenses maintained. Vehicles shall not be stored on the premises for a time period to exceed one hundred and twenty (120) days. This definition shall not be applicable to junk yards or salvage yards as defined in this Ordinance.

**WAREHOUSING, WHOLESALING AND DISTRIBUTION** - Warehousing, wholesaling and distribution refers to the use of land and structures for the purpose of storing materials with the intent to sell and/or distribute such materials. These facilities may be distribution centers, wholesale operations, open air storage facilities, etc. The premises may be used to store both perishable and non-perishable items (with adequate facilities to prevent pollution, toxicity, health and sanitary hazards and general nuisance); trucks, trailers, and other transportation devices and equipment; construction equipment and devices; and, other bulk storage materials, in the open, such as: sand, gravel, bricks, cinder blocks, timber, clay, steel (columns, girders, trusses, plates, sheets, pipes, etc.) water and sanitary sewer supplies, fixtures, etc., should be done in a manner to prevent accidents. Materials, such as: sand, gravel, clay, etc. should be well contained to prevent any form of their displacement that may occur due to rain, storms and other phenomena, resulting in the jeopardizing of any neighboring land uses, wetlands, parks, floodplains, environmentally sensitive areas, surface water supplies, sewage disposal systems, etc.



## 2.06 TEMPORARY USES

**GARAGE OR YARD SALE** - The sale of personal belongings, by an individual, in his or her residence, property or premises. [See Article VII, Supplemental Regulations, § 9.00 A & B., Garage or Yard Sales]

**SEASONAL SALES** - Unless otherwise specified in this Ordinance, the seasonal sale of farm produce, firewood, Christmas trees and similar items shall be conducted either from motor vehicles or premises. Such items shall not be sold from permanent structures/locations. The use of structures or buildings in conjunction with said activity shall be temporary, as specified by the City. Such sales shall be subject to the City's conditions at the time a business license is issued. The term **SEASONAL SALES** shall not be confused with **OPEN AIR MARKET**, defined in this Ordinance.

## ARTICLE V

## GENERAL REGULATIONS

## § 1.00 General Use Regulations

The following general regulations pertain to the administration of, enforcement of and compliance with this Ordinance.

## § 2.00 Application of this Ordinance

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued in the City of Leeds except as specifically or by necessary implication, authorized by the City.

## § 3.00 Except as Otherwise Provided for in this Ordinance

- A. No land may be used except for a purpose permitted in this district of its location.
- B. No building shall be: erected, converted, enlarged, reconstructed, moved or structurally altered; and, it shall adhere to the use permitted in the district in which it is located.
- C. No building shall be: erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the area and height limits of the district in which the building is located.
- D. The minimum building line, number of parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and one main use on one lot\_ Accessory structures shall not include living quarters. In addition, sanitary facilities will not be permitted in accessory structures without the approval of the Leeds City Council.
- F. Buildings or structures hereafter constructed in the City of Leeds shall conform with all applicable provisions of the American National Standard for Buildings and Facilities for Physically Disabled and/or Handicapped. [See the Standard Building Code, 1994, Chapter 11.] [Note: It should be noted that certain types of buildings are exempt from these requirements.]

## 5 4.00 Joint Occupancy

No structure shall be erected, structurally altered for or used as, a single-family or two-family dwelling simultaneously with any other use.

## § 5.00 Public Utilities

Utility structures including, but not limited to: poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide cable television, telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters, and other facilities necessary for the transmission or distribution of gas, oil, water and other utilities may be constructed, erected, repaired, maintained or replaced within any district of the City of Leeds. This is not to be construed to include the erection or construction of buildings. [See District regulations for public utility facilities and services.]

## § 6.00 Non-Conforming Uses

Within the districts established by this Ordinance or amendments that may later be adopted, there exists: lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district in which the non-conforming use is located.

### 6.01 Non-conforming Lots of Record

- A. Where a lot of record existed at the time of the effective date of this Ordinance, having less area or width than herein required for the district in which it is located, the following shall apply:
  - 1. Said lot may none-the-less be used as a building site provided the yard space and other requirements conform as closely as possible with the requirements of the district in which it is located. This, in the opinion of the Zoning Board of Adjustment.
  - 2. The provision, in 1, shall not apply when two or more lots exist together, with contiguous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner which creates lot area or width below the requirements stated in this Ordinance.

## § 7.00 Continuance

A lawful non-conforming use existing at the effective date of adoption of this Ordinance may be continued, except as hereafter provided; even though, such use does not conform with the provisions of this Ordinance subject to the conditions outlined in § 6.00.

**§ 8.00 Restoration to Safe Condition**

Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

**§ 9.00 Restoration After Damages**

No non-conforming building or structure which has been damaged by fire or act of God or other causes to the extent of more than fifty percent (50%) of its current replacement value at the time of such damage shall be rebuilt or restored, except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than fifty percent (50%) of its current replacement value, it may be rebuilt or restored and used as before the damage, provided that such building or restoration is completed within twelve (12) months of the date of such damage.

**§ 10.00 Abandonment or Discontinued Use**

A non-conforming use which has been abandoned or the use discontinued for a continuous period of one (1) year shall not be re-established and any future use shall be in conformity with all applicable provisions of this Ordinance. -

**§ 11.00 Annexed Property**

See Article VII, 5 20.00, MR Municipal Reserve District for annexation procedures.

**§ 12.00 Change In Use**

A non-conforming use shall not be changed to another non-conforming use.

**§ 13.00 Abandoned Right-Of-Way**

Whenever any street, alley or other public way is vacated or abandoned by an official action of the City of Leeds, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of the same and all the area included therein shall then be subject to all appropriate regulations of the extended district.

**§ 14.00 Reduction in Lot Area Prohibited**

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this Ordinance. (See subsection 6.1.)

**5 15.00 Structures Conforming to District Regulations but not other Regulations**

A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered, provided that such enlargement or alteration conforms with the provisions of this Ordinance. For instance, a house in a residential district with three bedrooms can have alterations made to it by way of adding a bedroom and a bathroom, provided it still conforms to other requirements of this Ordinance such as setbacks, building height, etc.

## § 16.00 Buildings to be Moved

Any building or structure which is to be moved to any location within the city limits of the City of Leeds shall be considered for the purpose of this Ordinance to be a new building under construction, and as such, shall conform to all applicable provisions of this Ordinance.

## § 17.00 General Requirements

The following sections shall be applicable to all the zoned districts in the City of Leeds:

### 17.01 Buffer Requirements

- A. The Buffer requirements shall conform to the values indicated in the Buffer Matrix.
- B. The Planning Commission reserves the right to require additional buffer supplements, over and above the prescribed buffer widths as shown on the Buffer Matrix. The elements of pollution; air; noise; etc; nuisances; contiguity of grossly incompatible land uses; and, other factors may justify the requirement for additional buffer requirements.
- C. Plans for large buffer areas between incompatible uses, shall be represented in scaled drawings, indicating: contours, areas with planted material, berms (natural and artificial), etc. Impervious surfaces shall be reduced to an absolute minimum and all water runoff and drainage facilities shall be adequately shown on these drawings.
- D. In large commercial and industrial areas, parking areas/lots may be used as a part of a barrier, only in the fulfillment of the distance requirements provided in the Buffer Matrix. Other significant factors, such as: air pollution, noise reduction, drainage and surface runoff, etc. occurring due to a large number of vehicles, large impervious surface areas, the nature of an operation, etc. shall be adequately accounted for through the use of trees, shrubs, berms, drainage systems and other appropriate improvements.

### 17.02 Additional Regulations (When Applicable)

- A. The following additional regulations shall apply to all the districts, unless otherwise stipulated:
  - 1. Administrative and Review Procedures, Article III
  - 2. Definitions, Article IV
  - 3. General Regulations, Article V
  - 4. Supplemental Regulations, Article VII
  - 5. Special Exception Uses, Article VIII

6. Off-Street Parking and Loading Regulations, Article IX
7. Sign Regulations, Article X

#### 17.03 Public Buildings

All public buildings shall have a front yard setback of fifty feet (50'). In all other residential districts, where permitted, public buildings shall have: a rear yard of thirty-five feet (35'), a side yard of thirty-five feet (35'), a maximum height of forty-five feet (45'), a maximum building area of fifty percent (50%) of the lot.

## ARTICLE VI

## ESTABLISHMENT OF DISTRICTS

In order to carry out the intent and purpose of this Ordinance, the City of Leeds is hereby divided into the following districts or zones. The location, boundaries and area of which are, and shall be, as shown and depicted on the official zoning map. The said districts or zones are to be as follows:

A-1	Agricultural District
E-1	Single-Family Residential Estate District
E-2	Single-Family Residential Estate District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Multiple-Family Residential District
R-3-T	Townhouse Residential District
R-5	Garden Home Residential District
R-6	Patio Home Residential District
PUD	Planned Unit Development District
RMHP	Residential Manufactured Home Park District
RMHS	Residential Manufactured Subdivision District
O-1	Office Building District
B-2	General Business District
B-3	Tourist Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
MR	Municipal Reserve District

The boundaries of the above named districts are hereby established as shown on the Zoning Map of the City of Leeds, Alabama. Any questions concerning the exact location of district boundary lines shall be decided by the City of Leeds, Alabama, Zoning Board of Adjustment, as outlined in Article III, Administration and Review Procedures, subsection 2.10.

At the current time, the Code of Alabama, 1975, § 11-52-75 requires that all Group Care Homes are located in the Multifamily District(s) only; however, with regard to future Federal and State Regulations, any future amendments made to the Fair Housing Act, with regard to Group Care Homes; and, changes in the Americans with Disabilities Act shall be duly incorporated, by way of amendments, in this Ordinance.

Other amendments to the Code of Alabama, in regard to planning and zoning issues, shall also be included in this zoning ordinance by way of amendments made to it.

## § 1.00

## A-1 Agricultural District (amended Ord. 2006-04-02 May 15, 2006)

1. 01 Intent

This district consists primarily of land where agricultural activities may occur within the City. The intent of A-1 District is to preserve these areas in agriculture, forestry, rural residential and other limited yet compatible land uses.

1.02 Uses Permitted

The following uses shall be permitted in the A-1 Agricultural District. Similar uses to those listed below may also be permitted subject to Article III, Administration and Review Procedures, section 2.11, Interpretation of Uses and section 2.12. Unclassified Uses.

## A. Agricultural Uses

1. Customary accessory structures and buildings associated with farming and related agricultural activities subject to Article VII, section 6.00, except that the side and rear shall be at least 50 feet.
2. Farms, as defined in section 2.01 of Article IV, and subject to section 10.00 of Article VII, except no temporary sawmills or chippers or booths or farm stands shall be allowed and the minimum lot size required in paragraph 12. of section 10.00 of Article VII shall be three (3) acres.
3. Stables, Private
4. Hobby Farms, as defined in section 2.01 of Article IV and subject to Section 2.00 of Article VIII.

## B. Residential Uses

1. Detached Single-Family Residences as defined in section 2.02 of Article IV, subject to the provisions of section 1.04 herein.
2. Non-Commercial Greenhouses and Gardens.
3. Private Swimming Pools. subject to Article VII, section 11.00.
4. Private Tennis Courts, subject to Article VIII, section 11.00



5. Residential Accessory Structures and Buildings, subject to Article VII, section 6.00.
6. Satellite Dish Antennas. subject to Article VI, section 7.00.

#### C. Institutional Uses

1. Clubs
2. Country Clubs
3. Parks
4. Places of Worship
5. Public Buildings
6. Public Utility Services
7. Schools

#### D. Commercial Uses

1. Studios

#### E. Temporary Uses

1. Garage Sales or Yard Sales subject to Article VII, § 9.0.

### 1.03 Special Exception Uses

The following uses may be permitted subject to approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, sections 1.00 , 1.01 and 1.02.

#### A. Agricultural Uses

1. Farm Support Business
2. Livestock Sales
- 3 Stables, Commercial
4. Animal Hospitals

#### B. Institutional Uses

1. Animal Shelters
2. Cemeteries, subject to Article VIII, section 8.00
3. Public Utility Facilities

#### C. Commercial Uses

1. Day Care Homes

2. Home Occupations, subject to Article VIII, section 9.00

1.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Size: 3.0 Acres\*

Minimum Lot Width at the Building Line: 150 Feet\*\*

Minimum Yard Setbacks: Front: 75 Feet\*\*\*  
Rear: 75 Feet\*\*\*  
Side: 50 Feet (on each side)\*\*\*

Maximum Height of Structures: 35 feet or 2 1/2 stories

Minimum Livable Floor Space Area In Square Feet:\*\*\*\*

One story: 2000 square feet

Two or more stories: 1600 sq. feet on first floor and minimum total of 2000 sq. feet

\* For all parcels of record which were less than 3.0 acres on May 15, 2006, as recorded in the Probate Court of the county in which the property is located, the minimum lot size shall be the parcel size. After May 15, 2006, a larger parcel may only be divided into less than 3.0 acre lots when such division is not considered to be a subdivision pursuant to Alabama law such as the testate conveyance of more than one part of a parcel of land to issue for homestead purposes.

\*\* The minimum lot width at the building line for those lots less than 3.0 acres may be reduced by the Planning Commission to a minimum of 85 feet. In determining the appropriate lot width at the building line, the Planning Commission shall consider the size, shape, dimensions, and other relevant factors of the lot being considered.

\*\*\* The minimum yard setbacks for those lots less than 3.0 acres may be reduced by the Planning Commission to a minimum of 40 feet front set back, 45 feet rear set back, and 15 feet side set back (on each side). In determining the appropriate lot width at the building line, the Planning Commission shall consider the size, shape, dimensions, and other relevant factors of the lot being considered.

\*\*\*\* Provided that if a single-family residence in existence on May 15, 2006 is destroyed by fire or natural disaster, another single family residence of the same size or larger may be rebuilt in the same location.

1.05      Repealed

1.06      Public Buildings

All public buildings shall have a front yard setback of fifty feet (50'). In all other residential districts, where permitted, public buildings shall have: a rear yard of thirty-five feet (35'), a side yard of thirty-five feet (35'), a maximum height of forty-five feet (45'), a maximum building area of fifty percent (50%) of the lot.

1.07      Buffer Requirements:

As described in the Buffer Matrix and in § 1. 5 of this Section. The Planning Commission or the zoning Board of Adjustment may require additional buffer supplements.

1.08      Additional Regulations (When Applicable)

See subsection 1.02 of this Article; and, in Article III, Definitions.

A.      Fowl and Livestock shall conform with the following provisions:

1.      Horses, cows, sheep, goats, and swine shall be housed not less than one hundred feet and fifty feet (150') from any use permitted in any residential or business zone district, other than the owner's residence, with at least 15, 000 square feet of lot area for each animal.

2. Fowl, rabbits and other small animals shall be housed not less than one hundred feet (100') from any use permitted in any residential or business zone, other than the residence of the owner, with a maximum of twenty (20) such fowl or animals for every seven thousands (7,000) square feet.
- B.
  1. Administrative and Review Procedures, Article III.
  2. Definitions, Article IV.
  3. General Regulations, Article V.
  4. Supplemental Regulations, Article VII.
  5. Special Exception Uses, Article VIII.
  6. Off-Street Parking and Loading Regulations, Article IX.
  7. Sign Regulations, Article X.

§ 2.00 E-1 Single Family Residential Estate District

2.01 Intent

To provide exclusive areas for low density detached single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

2.02 Uses Permitted

The following uses shall be permitted in the E-1 Residential Estate District. Similar uses to those listed below may also be permitted subject to Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses and subsection 2.12, Unclassified Us

- A. Agricultural Uses
  - 1. Non-commercial Greenhouses and Gardens
- B. Residential Uses
  - 1. Detached Single - Family Residences
  - 2. Accessory Structures and Buildings, subject to Article VII, § 6.00.
  - 3. Private Swimming Pools, subject to Article VII, § 11.00.
  - 4. Private Tennis Courts, subject to Article VIII, § 11.00.
  - 5. Satellite Dish Antennas, subject to Article VII, § 7.00.
- C. Institutional Uses
  - 1. Public Utility Services
- D. Temporary Uses
  - 1. Garage Sales or Yard Sales, subject to Article VII, § 9.0.

#### 2.03 Special Exception Uses:

The following uses may be permitted, subject to the approval of the Leeds Zoning Board of Adjustment and further subject to the appropriate permits being issued by the City., See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

- A. Agricultural Uses
  - 1. Non-Commercial Greenhouses and Gardens
- B. Institutional Uses.
  - 1. Community Centers/Civic Center
  - 2. Country Clubs
  - 3. Parks
  - 4. Places Of Worship
  - 5. Public Buildings, subject to subsection 1.06 of this section.
  - 6. Public Utility Facilities
  - 7. Schools
- C. Commercial Uses
  - 1. Day Care Homes
  - 2. Home Occupations, subject to Article VIII, § 9.0.

## 2.04 Area and Dimensional Regulations:

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required.

Minimum Lot Area: 1.0 Acre

Minimum Lot Width  
At Building Line: 150 Feet

Minimum Yard Setbacks:

Front: 75 Feet  
Rear: 75 Feet  
Side: 25 Feet\*

Total Both Sides: 50 Feet\*

Maximum Height of  
Structures: 35 Feet or  
2 1/2 Stories

Minimum Floor Area In  
Square Feet: 2,500

Corner Lots: Setbacks shall be the same on both streets, roads and highways.

## 2.05 Public Buildings

As described in Article VI, subsection 1.06.

## 2.06 Buffer Requirements

As described in the Buffer Matrix and in subsection 1.05. of this Article.

## 2.07 Additional Regulations (When Applicable)

As described in subsection 1.08 (B) of this Article.

# § 3.00 E-2 Single Family Residential Estate District

## 3.01 Intent

To provide exclusive areas for low density detached single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

## 3.02 Uses Permitted

The following uses shall be permitted in the E-2 Single Family Estate Residential District. Similar uses to those listed below may also be permitted subject to Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses and subsection 2.12, Unclassified Uses.

- A. Agricultural Uses
  - 1. Non-Commercial Greenhouses and Gardens
- B. Residential Uses
  - 1. Detached Single - Family Residences
  - 2. Accessory Buildings and Structures, subject to Article VII, § 6.00.
  - 3. Private Swimming Pools, subject to Article VII, § 11.00.
  - 4. Private Tennis Courts, subject to Article VIII, § 11.00.
  - 5. Satellite Dish Antennas, subject to Article VII, § 7.00.
- C. Institutional Uses
  - 1. Public Utility Services
- D. Temporary Uses
  - 2. Garage Sales or Yard Sales, subject to Article VII, § 9.00.

### 3.03 Special Exception Uses

The following uses may be permitted, subject to the approval of the Leeds Zoning Board of Adjustment and further subject to the appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

- A. Institutional Uses
  - 1. Community Centers/Civic center
  - 2. Country Clubs
  - 3. Parks
  - 4. Places of Worship
  - 5. Public Buildings, subject to subsection 1.06 of this Article.
  - 6. Public Utility Facility
  - 7. Schools
- B. Commercial Uses
  - 1. Day Care Homes
  - 2. Home Occupations, subject to Article VIII, § 9.00.

### 3.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Area: 1/2 Acre

Minimum Lot Width  
At Building Line: 120 Feet

## Minimum Yard Setbacks:



Front	50 Feet
Rear:	50 Feet
Side:	15 Feet
Total Both Sides:	30 Feet
Maximum Height of Structures:	35 Feet or 2 1/2 Stories
Minimum Livable Floor Area In Square Feet:	One Story - 1,500 Two Story - 1,200 Second Story - 300 Total - 1,500

Corner Lots: Setbacks shall be the same on either streets, roads, or highways.

### 3.05 Public Buildings

As described in subsection 1.06 of this Article.

### 3.06 Buffer Requirements

As described in the Buffer Matrix and in subsection 1.5 of this Article.

### 3.07 Additional Regulations (When Applicable)

As described in subsection 1.8 (B) of this Article

## § 4.00 R-1 Single Family Residential District

### 4.01 Intent

To provide areas for medium density, detached, single family residences, along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

### 4.02 Uses Permitted

The following uses shall be permitted in the R-1 single family residential district. Similar uses to those listed below may also be permitted subject to Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses and subsection 2.12, Unclassified Uses.

#### **A.** Agricultural Uses

1. Non-Commercial Greenhouse and Gardens

#### **B.** Residential Uses

1. Detached Single - Family Residences
2. Accessory Structures and Buildings, subject to Article VII, § 6.00.

3. Private Swimming Pools, subject to Article VII, § 11.00.
4. Private Tennis Courts, subject to Article VIII, § 11.00.
5. Satellite Dish Antennas, subject to Article VII, § 7.00.

**C. Institutional Uses**

1. Public Utility Services

**D. Temporary Uses**

1. Garage Sales, subject to Article VII, § 9.00.

**4.03 Special Exception Uses.**

The following uses may be permitted subject to the approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

**A. Institutional Uses**

1. Clubs
2. Community Centers/Civic center
3. Country Clubs
4. Parks
5. Places of Worship
6. Public Buildings, subject to subsection 1.06 of this Article.
7. Public Utility Facilities
8. Schools

**B. Commercial Uses**

1. Day Care Homes
2. Home Occupations, subject to Article VIII, § 9.00.
3. Bed and Breakfast Inns, subject to Article VIII, § 14.00.

**4.04 Area and Dimensional Regulations**

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Area: 15,000 Square Feet

Minimum Lot Width at  
Building Line: 100 Feet

Minimum Yards:

Front:	35 Feet
Rear:	40 Feet
Side:	15 Feet*

Total Both Sides: 30 Feet

Maximum Height of Structures: 35 Feet or 2 1/2 Stories

Minimum Livable Floor Area in  
Square Feet: 1,400

Corner Lots: Setbacks shall be the same on both streets, roads, or highways. 4.05 Buffer

#### Requirements

As described in the Buffer Matrix and subsection 1.05 of this Article. 4.06

#### Additional Regulations (When Applicable)

As described in subsection 1.08, (B) of this Article.

### § 5.00 R-2 Single Family Residential District

#### 5.01 Intent

To provide areas suitable for medium density single family residences along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

#### 5.02 Uses Permitted

The following uses shall be permitted in the R-2 Single Family Residential District. Similar uses to those listed below may be permitted subject to Article a Administration and Review Procedures, subsection 2.11, Interpretation of Uses and subsection 2.12, Unclassified Uses.

##### A. Agricultural Uses

1. Non-Commercial Greenhouses and Gardens

##### B. Residential Uses

1. Detached Single - Family Residences
2. Accessory Structures and Buildings, subject to Article VII, § 6.00.
3. Private Swimming Pools, subject to Article VII, § 11.00.
4. Private Tennis Courts, subject to Article VIII, § 11.00.
5. Satellite Dish Antennas, subject to Article VII, § 7.00.

##### C. Institutional Uses

1. Public Utility Services

##### D. Temporary Uses.

1. Garage Sales, subject to Article VII, § .9.00.

### 5.03 Special Exception Uses

The following uses may also be permitted subject to approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being

issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

#### A. Institutional Uses

1. Clubs
2. Community Centers/Civic center
3. Country Clubs
4. Parks
5. Places of Worship
6. Public Buildings
7. Public Utility Facilities
8. Schools

#### C. Commercial Uses

1. Day Care Homes
2. Home Occupations, subject to Article VIII, § 9.00.
3. Bed and Breakfast Inns, subject to Article VIII, § 14.00.

### 5.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Width at Building Line:	85 Feet
Minimum Lot Area Per Family	10,500 Square Feet
Minimum Yards:	
Front:	30 Feet
Rear:	35 Feet
Side:	10 Feet*

\* Total both sides: 20 Feet

Maximum Height of Structures:	35 Feet or 2 1/2 Stories
Minimum Livable Floor Area Per Square Feet:	1,200

Corner Lots: Setbacks shall the same on both streets, roads and highways.

### 5.05 Public Buildings

As described in subsection 1.06 of this Article.

### 5.06 Buffer Requirements

As described in the Buffer Matrix and in subsection 1.5 of this Article.

### 5.07 Additional Regulations. (When Applicable)

As described in subsection 1.08 (B) of this Article.

## § 6.00 R-3 Multi-Family Residential District

### 6.01 Intent

To provide areas suitable for the development of single family residences, duplexes and multi-family dwellings, along with selected institutional and commercial uses which are integrally related to the residential neighborhood.

### 6.02 Uses Permitted

The following uses shall be permitted in the R-3 Multi-Family Residential District. Similar uses may also be permitted subject to Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses, and subsection 2.1.2, Unclassified Uses.

#### A. Agriculture Uses

1. Non-Commercial Greenhouses and Gardens

#### B. Residential Uses

1. Detached Single-Family Residences
2. Duplexes
3. Multi-Family Dwellings (Apartments)
4. Accessory Structures and Buildings, subject to Article VIII, § 6.00.
5. Private Swimming Pools, subject to Article VII, § 11.00.
6. Private Tennis Courts, subject to Article VIII, § 11.00.
7. Satellite Dish Antennas, subject to Article VII, § 7.00.

#### Institutional Uses

1. Group Care Homes
2. Public Utility Services



In case sanitary sewers are not available to serve the proposed development, the minimum lot size (square footage) required by the County Health Department shall be met.

#### 6.05 Buffer Requirements

As described in the Buffer Matrix and in subsection 1.05 of this Article. 6.06

#### Additional Regulation Where Applicable

As described in subsection 1.08 of this Article.

### § 7.00 R-3-T Townhouse Residential District

#### 7.01 intent

To provide areas suitable for Townhouse Residential Dwellings

#### 7.02 Uses Permitted

Due to the unique nature of the townhouse development and small lot sizes, no other use other than townhouse dwellings is permitted.

#### 7.03 Area and Dimensional Regulations

Minimum Lot width at Building Line:	20 Feet
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Dwelling Units Per Gross Tract Acre:	70
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\*Minimum Yards:

Front:	25 Feet**
Rear;	30 Feet
Side:	0 Feet

Maximum Height of Structures:	35 Feet or 2 1/2 Stories
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\*\* Thirty (30) feet if front parking is provided.

Minimum Livable Floor Area In Square Feet:	1,200 Total
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Corner Lots: Setbacks shall be the same on either streets, roads or highways.

Note: A site development plan is required for a Townhouse Development as described in Article III, subsection 2.01.

#### 7.04 Buffer Requirements

As described in the Buffer Matrix and in subsection 1.05 of this Article.

### 7.05 Additional Regulations (When Applicable)

As described in subsection 1.08 (B) of this Article.

## § 8.00 R-5 Garden Home Residential District

### 8.01 Intent

To provide areas suitable for the development of residential garden homes along with selected institutional and commercial uses which are integrally related to residential neighborhoods.

### 8.02 Uses Permitted

The following uses shall be permitted in the R-5 Garden Home District:

#### A. Residential Uses

1. Residential Garden Homes
2. Accessory Structures and Buildings, subject to Article VII. § 6.00.

#### B. Institutional Uses

1. Home Instruction
2. Public Utility Services

#### C. Temporary Uses

1. Garage of Yard Sales, subject to Article VII, § 9.00.

### 8.03 Special Exception Uses

The following uses may be permitted subject to approval of the Leeds Zoning Board of Adjustment and the appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

#### A. Commercial Uses

1. Home Occupations, subject to Article VIII, § 9.00.

### 8.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Width at

The Building Line: 60 Feet

Minimum Lot Area:

6,000 Square Feet



**Minimum Yards:**

Front:	20 Feet
Rear:	30 Feet
Side:	5 Feet

Maximum Height: 35 Feet or 2 1/2 Stories

Minimum Livable Floor  
Area in Square Feet:

One Story - 1,200 Total  
One and One-Half Story - 800 First Floor  
Second Floor - 400 for total of 1,200

Two Story - First Floor - 700  
Two Story - Second Floor - 400 for total of 1,400

Corner Lots: Setbacks shall be the same on either streets, roads, or highways.

Note: A Site Development Plan is required for all garden home developments as per Article subsection 2.02.

**8.05 Buffer Requirements**

As described in the Buffer Matrix and subsection 1.05 of this Article. 8.06

**Additional Regulations**

1. No fence shall be permitted forward of the front corner of the house; other fences shall not exceed seven (7) feet in height.
2. No two homes constructed in this district shall be closer to another than fifteen (15) feet.
3. All utilities shall be placed underground.
4. There shall be two (2) paved parking spaces provided for each dwelling, the depth of which shall be measured from the back of the curb. Twenty percent (20%) of the parking shall be dedicated to landscaping. There shall be no off-street parking along existing interior streets.
5. Customary accessory buildings or structures, one (1) per lot, shall not exceed two hundred (200) square feet.

**§ 9.00****R-6 Patio Home Residential District****9.01 Intent**

To provide areas suitable for Patio Homes along with accessory structures customarily associated with such development.

**9.02 Uses Permitted****A. Residential Uses**

- 1.** Patio Homes
- 2.** Accessory Structures and Buildings provided they are located in the rear yard only.

**B. Institutional Uses**

- 1.** Public Utility Service

**9.03 Special Exception Uses**

The following uses may be permitted subject to approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

**A. Commercial Uses**

- 1.** Home Occupations, subject to Article VIII, § 9.00.

**B. Temporary Uses**

- 1.** Garage or Yard Sales, subject to Article VII, § 9.00.

**9.04 Area and Dimensional Regulations**

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Width at The  
Building Line:

40 Feet

Minimum Lot Area:

4,000 Square Feet

Minimum Yards:

Front: 20 Feet

Rear: 20 Feet

Side: 10 Feet\*

\* Total for both sides, twenty (20) feet.

Maximum Height of Structures: 35 Feet or 2 1/2 Stories

Minimum Livable Floor Space Area  
in Square Feet: 1,100 Total

Corner Lots: Setbacks shall be the same on both streets, roads, and highways.

A Site Development Plan is required for each Patio Home Development as outlined in Article A subsection 2.02.

#### 9.05 Buffer Requirements

As described in the Buffer Matrix and in subsection 7.05 of this Article.

#### 9.06 Additional Regulations

1. To permit zero feet (0') lot line development, one side yard may be reduced to zero feet, provided a five foot (5') easement of maintenance is reserved on the adjoining lot and buildings are separated by at least ten feet (10') and the adjoining lot is reserved for a patio home.
2. No homes constructed in this District shall be connected.
3. The required ten foot side yard shall be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.
4. Privacy fences or walls may be placed on or along any lot lines provided that such fences or walls are not constructed in a manner so as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protection. An eight foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.
5. Each Patio Home shall have on its own lot one (11 yard not less than five hundred and twenty-five (525) square feet, reasonably secluded from view of streets or neighboring property.
6. The exterior walls of the Patio Home, or any accessory structures located on the zero foot side yard setback shall not project over the property lined. Roof overhangs may penetrate maintenance and drainage easement of the adjacent lot a maximum of thirty (30) inches, provided the roof shall be so designed that water runoff shall be restricted to the drainage easement area.
7. No windows, doors or other openings shall be permitted on the zero foot side line of any Patio Home unit.

- 8.** A perpetual drainage easement shall be provided between homes in this District and shall be approved by the City Engineer. Walls and fences may be located on or along this easement provided gates or other openings are provided which will not block local drainage and maintenance.
- 9.** Any subdivision developed in an R-6 District shall be on a tract of land not less than 5 acres of land.
- 10.** A foundation survey shall be required to insure against encroachments.

## § 10.00 PUD Planned Unit Development District

### 10.01 Intent

The primary function of a planned unit development is to adopt a flexible approach to allow for the development of large areas as a whole. This district facilitates the development of residential, commercial and industrial areas in the form of an overall design concept. The specific conditions under which such a development is allowed is general in nature and shall be applied only upon the approval of actual plans. The location of the various types of uses in this district are to conform to the plans presented by the developer and approved by the City of Leeds. A certain amount of flexibility in zoning and subdivision regulations is granted to the developer in order to achieve better overall design, urban spaces, streetscapes, landscaping, infrastructure networks, etc.

The planned unit development has three (3) major characteristics.

- A.** These usually involve areas and undertakings of a very large scale; areas of one 25 acres or more.
- B.** A mixed use development which includes various types of residential, commercial, institutional and industrial uses.
- C.** The course of such projects are carried out in a stage-by-stage manner during which buildings, arrangements, uses, etc. are often required to be replanned, over time, in order to accommodate the changes in requirements, technology, design concepts and project funding.

### 10.02 Planned Unit Development Requirements

In order to be certain that all aspects of a Planned Unit Development are adequately addressed, a developer and his or her representatives or any other person(s) associated with the project shall be required to meet all the applicable measures described below:

- A.** An application form for the rezoning to a Planned Unit Development District,
- B.** The layout designs, site plans, thematic maps, studies (wetlands), impact analysis, etc.), reports, etc. as may be required by the City of Leeds Planning Commission.

- C.** A written description of the intended plan of development and the benefits to future occupants, businesses, etc., and the City in general. Such a project shall also include a statement with regard to the relation of the intended development to the existing and proposed use of land in the surrounding area.
- D.** The proposal of such a project shall be carried out in the following manner:

  - 1.** First, a thematic plan, at an appropriate scale shall be presented. This plan shall show the proposed street layout, location of the various uses, topography, open/community spaces, buffers and barriers, access, signs, etc.
  - 2.** Upon approval, the detailed construction/working drawings-shall be produced. These drawings shall meet the standards of existing codes, SBCCI, NFPA, plumbing, etc. The City Engineer, Building Inspector, Fire Inspector, Public Works Supervisor, Law Enforcement, E-911 and all the related City Officials shall make sure that all the respective standards are met or exceeded.
  - 3.** The construction shall begin, as initially planned, (phases) as approved by the City of Leeds Planning Commission. All the building, fire and other inspections shall be carried out, i.e. upon the completion of a major part for which a building permit was issued or at regular intervals of three (3) or four (4) months, whichever is deemed appropriate by the Planning Commission, the City Engineer and the Building Inspector.

### 10.03 Uses Permitted

Due to the unique character and intent of the planned unit development district, the following uses are permitted:

**A. Agricultural Uses**

- 1. Non-Commercial Greenhouses and Gardens**

**B. Residential Uses**

- 1. Detached Single-Family Residences**
- 2. Accessory Structures and Buildings, subject to Article VII, § 6.00.**
- 3. Garden Homes**
- 4. Multi-Family Dwellings**
- 5. Satellite Dish Antennas, subject to Article VII, § 7.00.**
- 6. Townhouses**

**C. Institutional Uses**

- 1. Community Centers/Civic Centers**
- 2. Parks**

3. Places of Worship
4. Public Buildings
5. Public Utility Services
6. Schools

D. Commercial Uses

1. Bank or Financial Services
2. Business or Professional Offices
3. Business Support Services
4. ~~Offices~~
5. Convenience Stores
6. Day Care Centers
7. General Retail, Enclosed
8. Home Occupation, subject to Article VW, § 9.00.
9. Home Instruction
10. Personal Services

E. Temporary Uses

1. Garage Sales or Yard Sales, subject to Article VII, 5 9.00.

10.04 Special Exception Uses

The following uses may also be permitted subject to the approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, 5 1.00 and subsections 1.01 and 1.02.

A. Industrial Uses

1. Construction Services
2. Industry, Light
3. Maintenance Services

B. Commercial Uses

1. Animal Hospitals
2. Mini-Warehouses

10.05 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required in the PUD Planned Unit Development District:

- |     |                           |   |
|-----|---------------------------|---|
| 1 . | Single-Family Residences: | Same requirements as R-2, single-Family District            |
| 2 . | Multi-Family Dwellings:   | Same requirements as R-3, Multi-Family residential district |

- 3 . Commercial Uses: Same requirements as the B-General Business District
- 4. Industrial Uses: Same Requirements as the 1-1 Light industrial district

- B. Common open space set aside in the subdivision shall comply with at least twenty-percent (20%) of the total site area and not less than 10,000 contiguous square feet. At least fifty percent (50%) of the required open space shall be developed for common recreational purposes.
- C. The yard requirements for the district shall apply to the outside perimeter of the development. The perimeter yards shall be maintained as common areas reserved as common open space or common driveways or parking areas.
- D. All utilities shall be placed underground.

#### 10.06 Puffer Requirements

As described in the Buffer Matrix and any buffer determined during the site plan review process specified in subsection 1.05 of this Article.

### § 11.00 RMHP Residential Manufactured (Mobile) Home Park District

#### 11.01 Intent

To provide areas for Manufactured/Mobile Home Park Developments, free from other uses which are incompatible with the character and intent of this district.

#### 11.02 Uses Permitted

- A. Residential Uses
  - 1. Manufactured (Mobile) Home Parks
  - 2. Residential accessory structures and buildings, subject to park policy.
  - 3. Home Occupation, Home Instruction and Day Care Homes, all subject to established park policy concerning such uses.
- B. Institutional Uses
  - 1. Management Office
  - 2. Recreational Facilities designed to serve the residents of the parks along with their guests.
- C. Commercial Uses
  - 1, Retail convenience sales for residents of the park and their guests.

2. Service facilities, such as laundromat, household storage buildings, refuse collection areas, and similar common service



facilities designed and intended to serve only the residents of the park and their guests.

### 11.03 Site Standards

A Site Plan shall be prepared and submitted for each manufactured/mobile home park:

- A. The minimum site area shall be ten (10) contiguous acres, with access to a public street and fronts upon a dedicated street of not less than fifty feet (50').
- B. Each manufactured home lot shall have a minimum area of five thousand (5,000) square feet and a minimum width of fifty feet (50') at the front lot line.
- C. Each manufactured/mobile home lot shall be set back a minimum of thirty-five feet (35') from any park boundary line and ten (10) feet from any other lot line.
- D. Minimum Yard Setbacks:
  - Front: 25 Feet \*
  - Rear: 10 Feet
  - Side: 10 Feet

\* Road not dedicated - 50 feet from the centerline.
- E. No manufactured/mobile home may be located closer than twenty feet (20') from another, on an adjacent lot.
- F. The maximum density shall be six (6) manufactured/mobile homes per gross tract acre. (If not served by public water and sewer, a lower density may be required by the County Health Department.)
- G. All the street lighting requirements shall conform to the recommendations of the Alabama Power Company.
- H. The location of all fire hydrants shall be coordinated with the City of Leeds Fire Department and City Engineer.
- I. All manufactured/mobile home park developments shall be provided with open/recreational space(s) measuring a minimum area of one hundred (100) square feet per manufactured/mobile home. Such spaces shall be consolidated into usable recreational areas.
- J. Garage or Yard Sales may be permitted, subject to manufactured/mobile home park policy. If no such policy exists, then such shall be subject to the provisions of Article VII, § 9.00.

#### 11.04 Installation

All manufactured/mobile homes shall be installed according to all the requirements of the Standard Building Code, 1997, Appendix H, or as same may be amended; and, these shall be completely skirted, with a weather resistant material, within thirty (30) days from the date the home is moved into the park. Such weather resistant material(s), as chosen by the owner or contractor, should be painted or coated with some kind of outdoor water resistant paint or primer. The choice of color should be one, or more, that blends with the color(s) or the color-scheme of the manufactured/mobile home. Any loud or severely contrasting color should be avoided to eliminate the possibility of creating an eye sore. The earth tones and neutral colors are often good choices that lend harmony. All skirting shall be adequately vented.

#### 11.05 Storage Facilities, Accessory Uses and Structures

A maximum of one hundred (100) square feet of storage area shall be provided for each space. Alternatively, park management may provide common storage lockers at an equivalent capacity. The permitted accessory structures on manufactured/mobile home spaces shall include all accessory structures permitted on the lots of single family residences, except for private below ground swimming pools and satellite dish antennas. Any accessory use shall not be permitted closer than five feet (5') from the rear and side boundaries of each space. Carports may be permitted in the front yard but shall not be permitted within five feet (5') of the front building line. Carports shall not be permitted within five feet (5') of the rear and side boundaries of each space and twenty-five feet (25') from the front lot lines; and, in the case of a corner lot, twenty-five feet (25') from the lot lines adjacent to a street.

#### 11.06 Off-Street Parking and Streets

Two-way, private, paved streets (maintained by the park management) shall be constructed to provide access to all manufactured/mobile home spaces, within the park. These streets shall be in conformance with the street standards of the City of Leeds. No manufactured/mobile home shall have its own access to a public street. All dead-end streets shall have turnarounds in conformance with the City's street standards. Each manufactured/mobile home shall have two (2) paved, off-street parking spaces. The location of all driveways shall be shown on the required Site Plan and approved by the City of Leeds Planning Commission.

#### 11.07 Service Facilities

Common recreational facilities and laundromats shall be provided for the use of the residents and their guests only. All garbage/refuse collection facilities, with demarcated collection points, shall be the responsibility of park management.

#### 11.08 Buffer Requirements

The proposed development shall be designed, based upon a layout plan with architectural elements and appropriate landscaping. An adequate buffer, as described in the Buffer Matrix, landscaped and up-kept by the park management

*shall be maintained around the entire park. This buffer strip shall have no buildings or structures, of any kind, erected or maintained on it. (Refer to subsection 1.05 of this Article and Article VII, Supplemental Regulations, § 13.00.*

#### 11.09 Signs

All signs shall conform to the provisions of Article X.

#### 11.10 Landscaping

All the yards shall be permanently landscaped and maintained with ground cover, trees and shrubs.

#### 11.11 Patios

Each manufactured/mobile home should be provided with a deck or patio at least two hundred (200) square feet.

#### 13.12 Fences

Fences shall be in accordance with the provisions of Article VII, § 4.00.

### § 12.00 RMHS Residential Manufactured (mobile) Home Subdivision District

#### 12.01 Intent

To develop Manufactured (Mobile) Home Subdivisions, free from other uses which are incompatible with the character and intent of this district.

#### 12.02 Uses Permitted

The following uses are permitted:

##### A. Residential Uses

1. Detached Single Family occupied Manufactured/Mobile Homes located on individually owned lots.
2. Customary Accessory Buildings and Structures permitted in other detached single family residential districts subject to the same requirements.
3. Non-Commercial Greenhouse and Gardens

##### B. Commercial Uses

1. Home Occupations, subject to Article VIII, § 9.00.

##### C. Temporary Uses

1. Garage or Yard Sales, subject to Article VII, § 9.00.

### 12.03 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Area: 7,500 Square Feet [15,000 Square Feet if septic tank and field lines are required]

Minimum Lot Width: 50 Feet from the Building Line

Minimum Yards:

Front: 35 Feet\*

Rear: 35 Feet

Side: 10 Feet

\* Road not dedicated- 60 feet (60') from the centerline.

Corner Lots: Setbacks shall be the same on both streets or roads.

### 12.04 Manufactured (Mobile) Home Standards

- A. The minimum floor area shall be five hundred (500) square feet.
- B. Two (2) off-street parking spaces shall be provided for each home. All streets and parking spaces shall conform with the standards established in the City of Leeds Subdivision Regulations.
- C. All homes shall be installed according to all requirements of the Standard Building Code, Appendix H, or as same may be amended. These shall be adequately vented and completely skirted, with weather resistant material, within thirty (30) days from the date the home is moved on a lot.

### 12.05 Procedure For Plat Approval

The layout plans for all manufactured/mobile home subdivisions shall reflect the seal of an Alabama Registered Professional Engineer or Land Surveyor and submitted to the City of Leeds Planning Commission for review and approval of construction. This site plan shall include the following:

- A. Area and dimensions of the overall site.
- B. Number of lots, including the dimensions and layout of all lots.
- C. Assessment of drainage conditions by an Alabama Registered Professional Engineer.
- D. Location, size and proposed layout of all utilities.
- E. Street plan, including all off-street parking.

- F.** Assessment of traffic conditions, including any proposed measures needed to rectify problems where they exist.
- G.** Location and type of all street lighting.
- H.** Location of all fire hydrants.

#### 12.06 Additional Regulations

- A.** All manufactured/mobile homes shall be individually owned.
- B.** The subdivision shall be in full compliance with all the applicable provisions of the Leeds Subdivision Regulations.
- C.** All access points shall be controlled through the review of the site plans submitted to the City of Leeds Planning Commission on each manufactured/mobile home subdivision plat.
- D.** The subdivision shall be served by water, sanitary sewer and adequate drainage facilities; and, -such plans shall be submitted to the City Building Inspector, the City Engineer and the Planning Commission for review.
- E.** The need for buffers shall be determined during the site plan review process and the type and width of buffers shall be determined on an individual basis by the Planning Commission.

#### 12.07 Buffer Requirements

As described in the Buffer Matrix and subsection 1.05 of this Article.

### § 13.00 0-1 Office Building District

#### 13.01 Intent.

To provide areas suitable for office and professional buildings, along with selected commercial and institutional uses which are deemed to be compatible with the professional office environment.

#### 13.02 Uses Permitted

The following uses shall be permitted in the 0-1 Office Building District. Similar uses to those listed below may also be permitted subject to Article III, Administration and Review Procedures, subsections 2.11 Interpretation of Uses and subsection 2.12, Unclassified Uses.

- A.** Commercial Uses
  - 1.** Banks or Financial Services
  - 2.** Business of Professional Offices \*
  - 3.** Business Support Service
  - 4.** Commercial Parking
  - 5.** Commercial Schools

## 6. Personal Services

Office buildings exceeding 2,500 square feet in area may use up to ten percent (10%) of such space for commercial and personal service oriented activities.

### B. Institutional Uses.

#### 1. Public Utility Service

## 13.03 Special Exception Uses

The following uses may also be permitted subject to the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 7.01 and 1.02.

### A. Commercial Uses

1. Broadcast Studios
2. Clinics
3. Day Care Centers
4. Funeral Homes
5. Nursing Care facilities, subject to Article VIII, § 7.00.
6. Restaurants, Fast Food, subject to Article VIII, § 5.00.
7. Restaurants, Standard
8. Studios

### B. Institutional Uses

1. Public Buildings
2. Public Utility Facilities
3. Places of Worship
4. Parks
5. Schools

## 15.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be observed:

Minimum Lot Size:                      None specified; although lots shall be of adequate width and size to accommodate the proposed use along with adequate parking, buffers (where required) and any service and storage areas.

Minimum Yards:

Front:	35 Feet
Rear:	35 Feet
Side:	35 Feet*

Corner Lots: Shall have the same setbacks on both streets or roads.

Rear yard may be reduced to fifteen feet (15') if the adjoining property is zoned commercial or light industrial.

if the adjoining property is zoned commercial or light industrial, interior side yard setbacks may be reduced to zero feet (0'), provided that all portions of the side of the structure are enclosed with a fireproof wall of four (4) hour construction, without any openings on such wall. If the structure is not built to the side lot line, a minimum setback of at least ten feet (10') shall be maintained.

#### 13.05 Additional Regulations (When Applicable)

See Section 1.08 (B) of this Article; and,

- A. Rear Yard may be reduced to fifteen (15') if the adjoining property is zoned commercial or light industrial.
- B. If the adjoining property is zoned commercial or light industrial, interior side yard setbacks may be reduced to zero feet (0'), provided that all portions of the side of the structure are enclosed with a fireproof wall of four (4) hour fire construction, without any openings on such wall. If the structure is not built to the side lot line, a minimum setback of at least ten feet (10') shall be maintained.

#### 13.06 Public Buildings

Refer to subsection 1.06 of this Article.

#### 13.07 Buffer Requirements

As described in the Buffer Matrix and subsection 1.05 of this Article.

#### 13.08 Additional Requirements (When Applicable)

See Section 1.08 (B) this Article; and,

- A. Each primary establishment located in the B-1 Neighborhood Business District shall have a service yard (or yards) adequate for handling waste and garbage and the loading and unloading of vehicles. Such service yard(s) shall be paved, have access to a public street or alley, and be located on the rear or side of the primary structure.
- B. No exterior lighting fixture, including lighting for parking areas, walkways, general illumination or any other purposes [except signs] shall exceed twenty-five feet (25') in height measured from the ground and shall be constructed and placed in such a manner so as to direct the beam of light away from any adjacent areas.

### § 14.00 B-2 General Business District

#### 14.01 Intent

To establish and preserve a retail business district convenient to the public



which is suitable for a wide range of retail and service areas usually found along major streets and thoroughfares and downtown areas.

#### 14.02 uses Permitted

The following uses shall be permitted in the B-2 General Business District. Similar uses to those listed below may also be permitted subject to Article Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses and subsection 2.12, Unclassified Uses.

##### A Commercial Uses

1. Bakeries, Minor
2. Banks and Financial Institutions
3. Business or Professional Offices
4. Business Support Services
5. Clinics
6. Schools, Commercial
7. Convenience Stores
8. Day Care Centers
9. Entertainment, Indoor
10. General Retail, Indoor
11. Grocery Stores/Supermarkets
12. Home Improvement Centers
13. Personal Services
14. Printing Establishments, Minor
15. Restaurants, Standard
16. Studios
17. Vehicle Repair, Minor
18. Vehicle Sales or Rental
19. Any use permitted in District R-3, subject to the same requirements.

##### B. Institutional Uses

1. Public Utility Services

#### 14.03 Special Exception Uses

The following uses may also be permitted subject to the approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

##### A. Commercial Uses

1. Animal hospitals, no outside kennels or runs shall be permitted
2. Car Washes
3. Funeral Homes
4. Gasoline Service Stations, subject to Article VIII, § 4.00.
5. General Retail, Unenclosed
6. Hotels or motels, including Restaurant and/or Liquor Lounge as incidental uses.
7. Liquor Lounge, free standing

8. Restaurants, Fast Food, subject to Article VIII, § 5.00.
9. Shopping Centers, subject to Article VIII, § 3.00.
- 10, Repair Garages, See Article IV, Definitions.

B. Institutional Uses

1. Community Centers/Civic Centers
2. Hospitals
3. Parks
4. Places of Worship
5. Public Buildings
6. Public Utility Facilities
7. Schools

14.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall apply:

Minimum Lot Area:	Same as in District B-1, Neighborhood Business District
Minimum Lot Width:	Same as in District B-1, Neighborhood Business District
Maximum Height:	65 Feet or 5 Stories
Minimum Yards:	None, except on the rear of a lot abutting any residential district in which case there shall be a rear yard of not less than 20 feet.

14.05 Buffer Requirements

As described in the Buffer Matrix and subsection 1.05 of this Article.

14.06 Additional Regulations (When Applicable) See

Section 1.08 (B) of this Article; and,

- A. Each primary establishment located in the B-2 General Business District shall have a service yard (or yards) adequate for handling waste and garbage and the loading and unloading of vehicles. Such service yard(s) shall be paved, have access to a public street or alley, and be located on the rear or side of the primary structure.
- B. No exterior lighting fixture, including parking areas, walkways, general illumination or any other purposes [except signs], shall exceed twenty-five feet (25') in height as measured from the ground and shall be constructed and placed in such a manner so as to direct the beam of light away from any adjacent areas.

**§ 15.00 B-3 Tourist Commercial District****15.01 Intent**

This district shall contain a wide range of commercial establishments, lodging accommodations, vehicle sales/service, amusement/recreation uses and selected office/institutional uses, on sites with a high degree of visibility to the travelling public.

**15.02 Uses Permitted**

The following uses shall be permitted in the B-3 Tourist Commercial District.

Similar uses to those listed below may be permitted subject to Article III, Administration and Review Procedures, subsection 2.11, Interpretation of Uses and subsection 2.12, Unclassified Uses.

**A. Commercial Uses**

1. Entertainment, Indoor
2. Gasoline Service Stations, subject to Article VIII, § 4.00.
3. General Retail, Enclosed
4. Offices and Professional Buildings
5. Personal Services
6. Restaurants, Standard
7. Restaurants, Fast Food, subject to Article VIII, § 5.00.
8. Grocery Stores/Supermarkets
9. Convenience Stores
10. Vehicle Sales or Rental

**B. Institutional Uses**

1. Public Utility Services

**15.03 Special Exception Uses**

The following uses may also be permitted subject to the approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

**A. Commercial Uses**

1. Campgrounds
2. General Retail, Unenclosed
3. Hotels or Motels
4. Truck Stops
5. Mini-Warehouses, subject to Article VIII, § 10.00.
6. Shopping Centers, subject to Article VIII, § 3.00.
7. Manufactured (Mobile) Home Sales
8. Vehicle and Equipment Sales, Major
9. Repair Garage, minor and major, See Article IV, Definitions.
10. Recreation

## 11. Rent-All Establishment

### B. Institutional Uses

1. Parks
2. Public Buildings, subject to subsection 1.06 (B) of this Article.
3. Public Utility Facilities

### 15.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be required:

Minimum Lot Size: The same as B-2, General Business District

Minimum Lot Width: The same as B-2, General Business

District Minimum Yard Setbacks:

Front:	35 Feet
Rear:	35 Feet
Side:	15 Feet

Maximum Height: 45 Feet

Corner Lots: Setbacks shall be the same on both streets or roads.

### 15.05 Buffer Requirements

As described in the Buffer Matrix and subsection 1.05 of this Article.

### 15.06 Additional Regulations (When Applicable)

See section 1.08, (B) of this Article; and,

- A. Each primary establishment located in the B-3 Tourist Commercial District shall have a service yard (or yards) adequate for handling waste and garbage and the loading and unloading of vehicles. Such service yard(s) shall be paved, have access to a public street or alley and be located on the rear or side of the primary structure.
- B. No exterior lighting fixture, including parking areas, walkways, general illumination or any other purposes (except signs), shall exceed twenty-five feet (25') in height, measured from the ground to the highest point on the lighting fixture. All light fixtures shall be constructed and placed in a manner so as to direct the beam of light away from adjacent areas.

## § 16.00 I-1 Light Industrial District

### 16.01 Intent

This district consists of areas where limited industrial uses are permitted. The

district encourages employment centers with a lot degree of environmental impact. Principal industrial activities include light manufacturing, industrial services, warehousing, wholesaling, and distribution services, as well as administrative and office facilities related to uses permitted and selected commercial uses consistent with the light industrial environment.

## 16.02 Uses Permitted

### A. Industrial Uses

1. Construction Services
2. Industrial Parks, subject to Article VIII, § 12.00.
3. Industry, Light
4. Maintenance Services
5. Research Facilities
6. Truck Terminals
7. Vehicle and equipment sales, Major
8. Warehousing, wholesaling and Distribution, See Article IV, subsection 2.05, Definitions.
9. Industrial Park, subject to Article VIII, § 12.00.

### B. Commercial Uses

1. Animal Hospitals
2. Bakeries, Minor
3. Business Support Services
4. Business or Professional Offices
5. Farm Support Business
6. Garage, Repair
7. Gasoline Service Stations, subject to Article VIII, § 4.00.
8. General Retail, Unenclosed
9. Home Improvement Centers
10. Mini-Warehouses, subject to Article VIII, § 10.00.
11. Printing Establishment, Minor
12. Transmission Towers, (Commercial) subject to Article VIII, § 13.00.
13. Vehicle Repairs, Both Minor and Major, See Article IV, Definitions.

### C. Institutional Uses

1. Public Utility Services

## 16.03 Special Exception Uses

The following uses may be permitted upon approval of the Leeds Zoning Board of Adjustment and further subject to appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

### A. Commercial Uses

1. *Airports, including heliports*
2. *Kennels*

*B. Institutional Uses*

1. *Animal Shelters*
2. *Cemeteries*
3. *Military Installations*
4. *Parks*
5. *Pet Cemeteries*
6. *Public Buildings*
7. *Public Utility Facilities*

**16.04 Area and Dimensional Regulations**

*Except as may be provided for elsewhere in this Ordinance, the following area and dimensional regulations shall be observed:*

*Minimum Lot Size: None specified, although lots shall be of adequate width and size to accommodate the proposed as well as provide adequate space with for required parking, buffers, (where required) and any service and storage areas.*

*Minimum Lot Width: None specified, although lots shall be of adequate width to accommodate the proposed use as well as provide adequate space for required parking, buffers (where required) storage and service yards.*

*Minimum Yards:*

*Front: 75 Feet*  
*Rear: 35 Feet\**  
*Side: 35 Feet\*\**

*Maximum Building Height: 3 Stories or 45 Feet*

*Corner Lots: Setbacks shall be the same on both streets, roads and highways.*

*Rear Yard may be reduced to fifteen feet (if the adjoining property is zoned industrial.*

**\*\*** *If the adjoining property is zoned industrial, interior side yard setbacks may be reduced to zero feet (0'), provided that all portions of the side of the structure are enclosed with an unpierced firewall in compliance with the Standard Building Code. In addition, if the structure is not built to the side lot line, a minimum setback of at least fifteen feet (15') shall be maintained.*

**16.05 Buffer Requirements**

*As described in the Buffer Matrix and subsection 1.05 of this Article.*

**16.06 Additional Regulations (When Applicable) See**

Section 1.08 (b) of this Article, plus:

1. Any outside storage areas shall be screened to an adequate height to conceal the contents from public view,

**§ 17.00 1-2 Heavy Industrial District****17.01 Intent**

To provide areas where heavy industrial uses are permitted. This district encourages employment centers where a potentially moderate to high degree of environmental impact uses can be located, including light and heavy industrial and manufacturing activities.

**17.02 Uses Permitted****A. Industrial Uses**

1. Bakeries, Major
2. Industrial Parks, subject to Article VIII, § 12.00.
3. Industries, Light
4. Manufacturing, General
5. Printing Establishment, Major
6. Warehousing, wholesaling, and distribution

**B. Institutional Uses**

- 1, Public Utility Services

**17.03 Special Exception Uses**

The following uses may be permitted subject to approval of the Leeds Zoning Board of Adjustment and further subject to the appropriate permits being issued by the City. See Article VIII, Special Exception Uses, § 1.00 and subsections 1.01 and 1.02.

**A, Industrial Uses**

1. Industries, Heavy
2. Recycling Plants
3. Salvage Yards
4. Sanitary Landfills

**B. Commercial Uses**

1. Animal Hospitals
2. Public Utility Facilities

#### 17.04 Area and Dimensional Regulations

Except as may be provided for elsewhere in this Ordinance, the area and dimensional regulations listed below shall be observed:

Minimum Lot Size: Same as the 1-1, Light Industrial District

Minimum Lot Width: Same as the 1-1, Light Industrial District

Minimum Yards:

Front: None specified. The Planning Commission shall determine the appropriate setback requirement during the site plan review process.

Rear: Same as front requirement above.

Side: Same as front requirement above.

Corner Lots: Setbacks shall be the same on both streets, roads or highways.

#### 17.05 Buffer Requirements

See § 1.00, subsection 1.05 of this Article.

#### 17.06 Additional Regulations (When Applicable)

1. Any outside storage areas shall be screened to an adequate height to conceal the contents from public view.

### § 18.00 MR Municipal Reserve District

#### 18.01 Intent

This district serves as an interim zone for areas annexed into the City. The MR District seeks to protect these newly annexed areas until such time as comprehensive city zoning can be applied to them.

#### 18.02 Zoning of Annexed Areas

On the effective date of annexation, all newly annexed property shall be zoned MR Municipal Reserve District.

#### 18.03 Rezoning From The MR District

Following the City Council's adoption of the annexation, the Planning Commission shall initiate proceedings to rezone property from the MR District to any other district contained within this Ordinance. In determining the most appropriate zone(s), the Planning Commission shall duly consider the following items, among others:

- A. The Comprehensive Plan or a study of the annexed area(s).



- B. The desires of the property owners in the area(s) subject to zoning.
- C. The purposes and considerations of zoning as contained in this Ordinance as well as the Code of Alabama, 1975, § 11-52-72 and as same may be amended.

#### 18.04 Permitted Uses and Development Standards

All uses in existence at the time of annexation may lawfully continue under the provisions of the MR District. However, all proposed new uses, on property that is currently zoned MR Municipal Reserve District, shall be brought to the City Planning Commission for review and final approval. Until such time as the City zoning is assigned, all applications shall be subject to the uses permitted in the zone or zones assigned to the subject property along with all criteria and requirements.

#### 18.05 Action On Annexation Petitions

All annexation Ordinances enacted by the City of Leeds shall include the provision that the property shall be temporarily zoned MR, Municipal Reserve District. A copy of the annexation Ordinance shall be made available to the City Building Inspector and the Planning Commission for action.

#### 18.06 Additional Regulations (When Applicable) As

described in the Buffer Matrix.

## ARTICLE VII

## SUPPLEMENTAL REGULATIONS

## § 1.00 Area Modification For Lots Of Record

The Leeds Zoning Board of Adjustment shall approve all proposed development involving non-conforming lots of record. [See Article V, § 6.00 and subsection 6.01.]

## § 2.00 General Yard Requirements

- A. Every part of a required yard shall be open to the sky, unobstructed by any structure or part thereof and unoccupied for storage, servicing or similar uses, except as provided for herein.
- B. More than one (1) multiple dwelling, office, institutional, industrial or public buildings may be located upon a lot or tract of land, but such dwellings shall not encroach upon the front, side or rear yards required by the district regulations in which located.

2.01 Front Yard Modifications

- A. If forty percent (40%) or more land area of a site, on the same side of a street between two intersecting streets, is being developed or will be developed in the future, then the following rules shall apply. In the event the existence of a building or buildings, the front yard requirements of the district in concern may or may not be met. If the existing front yards of such buildings are five feet (5') or less than what is specified for that district, new buildings shall not be erected closer to the street than that distance established by taking the average front yard depths of the existing dwellings. [See illustration below.]
- B. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described in A, the following shall apply:
  - 1. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be the line drawn between the closest front corners of the adjacent buildings.
  - 2. Where a building is to be erected on a parcel of land that is within one hundred feet (100') of an existing building on one (1) side only, such building may be erected as close to the street as the existing building.
- C. Through lots shall provide the required front yard on both streets.
- D. Corner lots shall provide a front yard on each street.

## 2.02 Rear Yard Modifications

Where a lot abuts an alley, one-half (1/2) of the alley width may be considered as part of the required rear yard.

### § 3.00 Height Modifications

- A. Any limitation on the height shall not apply to the buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.
- B. All chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, steeples, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, wireless, television or radio towers or necessary mechanical appurtenances, where permitted, may be erected to any height not in conflict with existing or hereafter adopted ordinances of the City of Leeds. Where permitted, in connection with residential uses, such structures shall be limited to a height of twenty-five feet (25') above the average height of structures in that district.

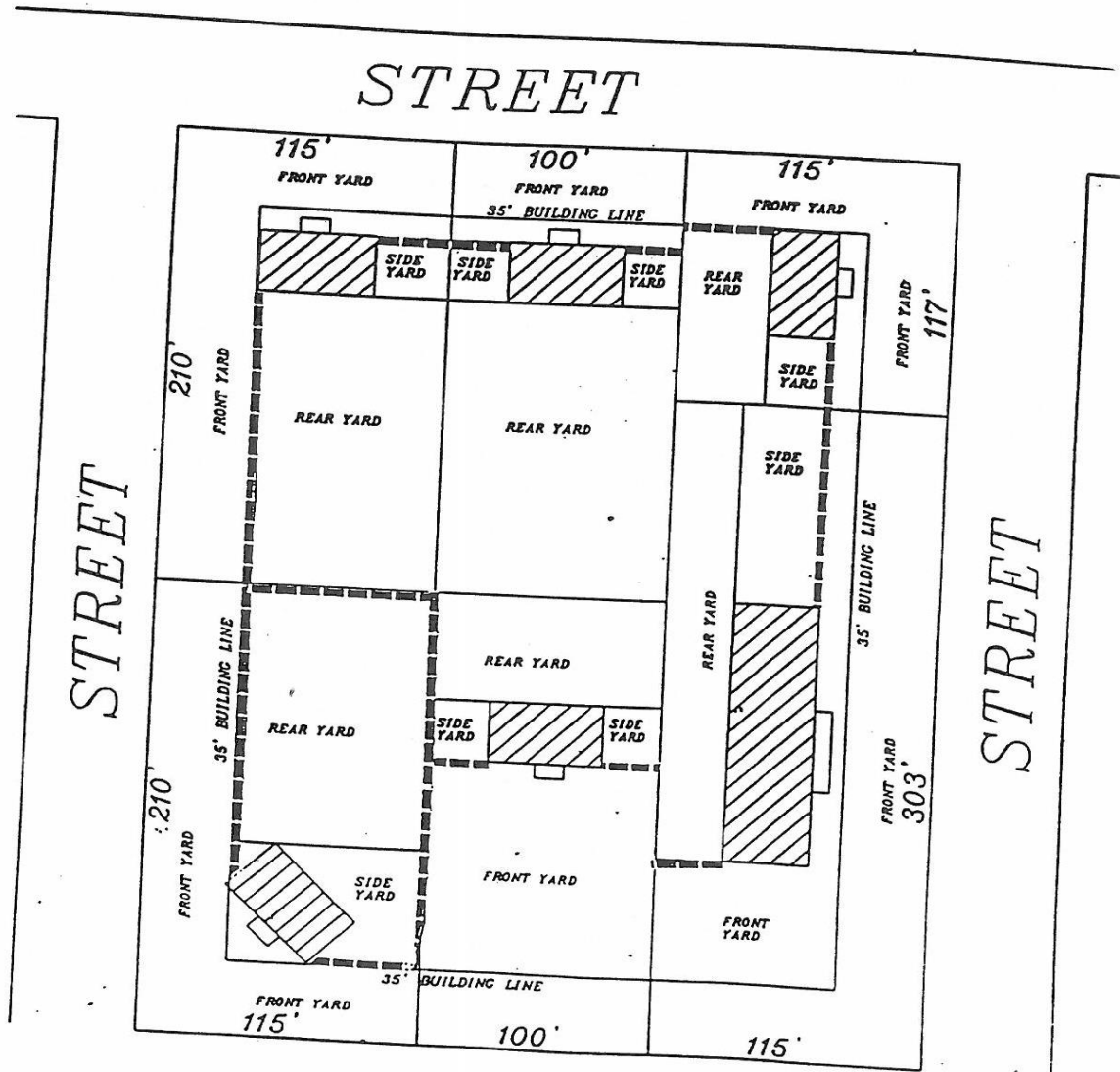
### § 4.00 Fences and Walls

- A. No fence shall be allowed beyond the front yard set-back line in any single family residential district.
- B. The height requirements in any single-family residential zone shall be as follows:
  - 1. Fences constructed on a side or rear yard lot line or behind the required front yard, as set forth elsewhere in these regulations shall not exceed a height of six and one-half feet (6'-6") as measured from the topmost point of the fence to the ground or surface along the center line of the fence.
- C. The following types of fences are permitted in residential districts: masonry walls, ornamental (iron), woven wire (chain link), wood or other man-made materials and hedges.
- D. The following type of fences are prohibited: any fence carrying electric current, any fence that utilizes spikes, barb wire or other pointed materials in its construction capable of easily inflicting wounds to persons coming in contact with the fence.
- E. When warranted, these fence types listed as prohibited above may be permitted in the A-1 District, as well in the M-1 Light Industrial District and the M-2 Heavy Industrial District.
- F. On any corner lots, no fence of any material shall be permitted to encroach a required thirty-five foot building line setback that would hinder site distances for motorists or pedestrians. No fence, split-rail fence, hedge or any type of planting, including ornamental, shall be

placed or constructed in any location that would hinder access to fire hydrants.

G. The following exceptions should be noted relative to fences, walls and hedges:

1. Fences used for guard railings, around depressed ramps, along the tops of retaining walls, along driveways and adjacent to residential sidewalks, are not to exceed forty-two inches (42") in height. [See illustrations of typical fence and/or wall configurations below.]



**TYPICAL CONFIGURATIONS OF  
FENCES AND WALLS**

- H. For non-residential districts, all fence construction shall be subject to site plan approval, with no height or setback restriction(s), except those deemed necessary and reasonable by the Leeds Planning Commission, unless otherwise stipulated elsewhere in this Ordinance. [See Special Exception Uses in Article

§ 5.00 Porches, Terraces, Balconies, Cornices and Eaves

- A. Sills or ornamental features of a structure may project into any required yard no more than six inches (6").
- B. Cornices or eaves may project into any required yard no more than twenty-four inches (24").
- C. Terraces, unenclosed porches, underground fallout shelters or ornamental features (which are constructed as part of a single family or two-family dwelling) may project into a required yard, provided such projections are not closer than thirty feet (30') from the front lot line and twenty-five feet (25') from the back lot line. The said terraces, porches, shelters and ornamental features (when constructed as part of a multi-family dwelling) may not exceed a maximum of five feet (5') into the required side yards.
- D. In single-family and two-family residential zones, an unenclosed balcony, deck, porch or fire escape may project into a required rear yard, provided such structures are located not closer than twenty-five feet (25') from the rear property line and ten feet (10') from either side property lines.
- E. In multi-family residential districts, an unenclosed balcony, porch, deck or fire escape may project into a required rear yard for a distance not to exceed twelve feet (12') and may project into a required side yard for a distance not to exceed eight feet (8'); but, in no instance, shall any property line in which a buffer is required as a means of separating incompatible land uses.

§ 6.00 Accessory Buildings and Structures

- A. Non-residential accessory structures and buildings, up to twelve feet (12') in height, shall be permitted within five feet (5') of any side or rear property line; but, such structures shall not occupy any portion of the front yard. All accessory buildings above twelve feet (12') in height shall be set back one additional foot (1') for each four feet (4') in height above twelve feet (12') up to the maximum height limitation of the district in which located.
- B. All non-residential accessory buildings and structures shall be constructed of materials which are compatible with other buildings in the district in which they are located in order to insure that the aesthetic value and appearance of the neighborhood is maintained.

- C.** The residential accessory buildings, attached and detached carports and garages on residential lots, in the E-1, E-2, R-1, R-2, R-3, R-3-T, R-5, 8-6, PUD, RMHP, and RMHS districts, shall meet the following requirements:
1. The maximum floor area shall be twenty-five percent (25%) of the habitable floor area of the principal building.
  2. The maximum height shall not exceed the height of the principal building.
  3. Such structures and additions shall be subject to the front yard requirements of the district in concern.
  4. All detached accessory structures shall be constructed in the rear yard, but shall be located no closer than five feet (5') from the property line.
  5. All accessory structures shall be constructed of materials which are compatible with other buildings in the district in which they are located in order to insure the aesthetic value and appearance of the neighborhood is maintained.
  6. Accessory structures shall not be built prior to the construction of the primary structure. Such structures shall not be used for non-residential purposes, which are not normally incidental to residential use.
  7. All electrical power service to the accessory buildings on residential lots shall originate from the main power service at the main building.
  8. Attached accessory buildings and structures, such as carports and garages, may be built in the side yard but they must conform with the side setbacks for the district in which they are located.

## 5 7.00

## Satellite Dish Antennas

- A.** Satellite dish antennas and other ground mounted antennas shall not be permitted in the front yard. The setbacks from all property lines shall have a distance equal to the height of the antenna. The setback of a satellite dish shall be equal to the minimum distance measured from the closest edge of the dish to the property line. All satellite dishes are subject to the district maximum building height limitations.
- B.** All those satellite dish antennas shall be neutral in color and to the greatest extent possible, compatible with the appearance and character of the neighborhood in which they are located. In case the required placement prevents satisfactory reception or other problems of a unique nature, such shall be referred to the Zoning Board of Adjustment for the resolution of the problem(s).

**§ 8.00            *Temporary Structures and Building Material Storage***

Temporary buildings may be permitted for the storage of materials connected with construction projects. Such buildings may also be permitted as temporary

**§ 9.00            Garage or Yard Sale**

- A.     Garage or yard sales, on the same lot, shall not be conducted for more than three (31 days (whether consecutive or not) during any 90-day period.
- B.     All posters and/or signs, display tables, stands, racks, etc., shall be removed immediately after such sale by the person or persons conducting the garage or yard sale and such items shall be stored inside an enclosed building or screened from public view while sales are not in progress.

**§ 10.00          Farms**

- A.     The minimum land area for a farm shall be five (5) acres.
- B.     The following farming activities shall be permitted:
  - 1.       Forage and sod crops.
  - 2.       Grain and seed crops.
  - 3.       Dairy animals and products.
  - 4.       Livestock, such as: beef cattle, swine, sheep, goats, or any similar livestock; including the breeding and raising of such animals but excluding commercial meat processing operations.
  - 5.       Poultry, including egg production but excluding commercial poultry processing operations.
  - 6.       Nursery operations involving the raising of: plants, shrubs and trees for sale and transportation, including: greenhouses and the incidental sale of items associated with a nursery operation.
  - 7.       Bees and apiary products.
  - 8.       Fisheries, excluding commercial fish processing operations.
  - 9.       Fruit and vegetables of all kinds, including the growing and harvesting of such fruit and vegetables, but excluding commercial food processing operations.
  - 10.      In the A-1 Agriculture Districts, the minimum setback of livestock barns, commercial chicken houses, (fowl) houses from adjoining property lines shall be one hundred feet (100'); from highway

(road) right-of-way lines, it shall be three hundred feet (300') provided however, that no livestock barn or chicken houses shall be built closer than three hundred feet (300') to the nearest then existing residence other than that of the owner. Swine (hogs) shall be housed, fed and watered not nearer than one hundred feet to any adjoining property line or within three hundred feet (300') of any street or road right-of-way. (unless otherwise stipulated elsewhere).

11. All temporary sawmills and chippers (used in connection with timber cutting operations) shall be set back at least two hundred feet (200') from any lot line.
  12. Non-farm related single-family residences and subdivisions are permitted, provided that the recording of lots in this district contains a minimum of one - half (1/2) acre and is in compliance with the City of Leeds Subdivision Regulations. Applicants should also be apprised of the fact that a two (2) acre minimum lot is required for a hobby farm, in case the intent is to utilize the lot for that purpose.
- C. A booth or farm stall/farm stand, for the purpose of selling farm produce, grown on the same premises, shall be permitted, subject to the following:
1. The sales areas shall be set back from all lot lines so as to meet the district yard requirements.
  2. The sales areas shall not occupy any part of a required off-street parking or loading area.
- D. All incidental structures and activities commonly associated with a farm may include: barns, silos, animal pens, loading and unloading platforms, chutes, or other accessory uses.

#### § 11.00 Private Swimming Pools

- A. Where permitted, private swimming pools shall comply with the following requirements:
1. Permanent swimming pools, which are wholly or partially above ground level, shall be located in the rear yard of a single or two-family residential district and no closer than twenty-five feet (25') from any property line. No mechanical appurtenance shall be located within ten feet (10') of any property line.
  2. Private Swimming Pools Constructed Below Grade Level Shall Be:
    - a. Located including mechanical appurtenances, no closer than ten feet (10') from any property line.



- b. Enclosed at the time of construction by a fence of not less than five feet (5') in height (measured from ground level to the highest point on the fence). All fences and gates shall be constructed of such materials so as to prevent unauthorized entry by persons or household pets. The gates shall be provided with permanent self-latching devices to be kept locked at all times when the pool is not in use.
- c. Above-ground pools shall be subject to the requirements of the Standard Swimming Pool Code, 1991, and any future amendments thereto.
- d. All exterior lighting fixtures shall be constructed to direct the beam of light below the horizontal plane of the fixture, reflecting away from any adjacent property. Said fixtures may not extend higher than twenty-five feet (25') in height.
- e. Swimming pools for multi-family and commercial uses shall meet the minimum standards deemed appropriate by the Leeds Building Inspection Department upon review of each specific proposal.

## § 12.00 Buffers

### 12.01 General Requirements For Buffers/Screening

- A. The specifications for buffers shall follow the Buffer Matrix or as deemed by the Leeds Planning Commission or as specified during the review of the site development plan. The following criteria shall also be met:
  - 1. If a natural barrier is specified as a buffer, such shall be a planting strip, planted to provide a visually impervious barrier uniformly dense at all heights from the ground up, which would attain a height of at least four feet (4') within one (1) full growing season.
  - 2. All buffers shall provide adequate plant cover (trees, shrubs, etc.)
  - 3. All planting strips shall have attained a minimum height of six feet (6') within three (3) full growing seasons.
- B. If man-made screening methods are specified, the following shall apply:
  - 1. All screening material shall be continuously maintained, present an attractive exterior appearance and be of durable construction. The party or parties required to provide the screening shall be responsible for the cost incurred in this maintenance.
  - 2. Unless otherwise noted, the acceptable screening materials include: wood stockade fences, masonry walls and earth berms.

3. In the rear or the side yards, the screening walls or fences shall be a minimum of six feet (6') in height, or as modified by the Planning Commission; but, it shall not exceed three feet (3') in height within any required front yard.
  4. The location of screening shall not obstruct the visibility of any traffic circulation.
- C. The buffers shall be of sufficient width, opacity, height, and density to eliminate the adverse impact on adjacent properties.

#### 12.03 Modification or Waiver

- A. The screening and planting requirements of this section shall be applied to similarly classified and situated properties but may be modified or waived altogether, in certain cases, by the Planning Commission, where a building site is subject to any of the following circumstances:
1. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a building permit, a strip of natural vegetation shall be left undisturbed until the Building Inspector has inspected such area and evaluated it with regard to the width requirements set forth in the Zoning Ordinance for that specific use and zone, as well as suitability. The Building Inspector may require the developer to retain a portion of the natural vegetation, where such exists, as a greenbelt/buffer, rather than require a man-made planting strip or other methods of screening. All such buffers must be of sufficient in both height and density to achieve the desired purpose as a natural barrier.
  2. Where impending development of adjacent property would make these standards unreasonable or impractical.
  3. Where, after inspection by the Building Inspector, it is found that two (2) different and incompatible zone districts abut each other but are already separated by a street or alley or where the view from the adjoining district is blocked by a change in grade or other natural or man-made features.
  4. Where a greenbelt or planting strip cannot, in the professional opinion of an expert in the field, be expected to thrive due to poor soil conditions, intense shade or similar conditions.
  5. The fences, where installed, shall be constructed prior to the issuance of a certificate of occupancy.
  6. All plantings shall be permanently maintained in good growing condition by the party or parties required to provide such plantings. When necessary, such plantings shall be replaced with new growth. All fencing shall be permanently maintained in good condition and, whenever necessary, based upon the opinion of the Building Inspector, be repaired

or replaced by the party or parties required to provide such fences.

- 7.** In special cases, where the site and/or rear yards may be inadequate to meet the requirements for the buffer strip, the Planning Commission shall determine, based upon the site plan review or other pertinent information requested, an alternative method of screening or separation.

## ARTICLE VIII

## SPECIAL EXCEPTION USES

## § 1.00 Generally

Certain land use activities are identified for special treatment. The nature of these is such that, when properly regulated, they are appropriate in several zone districts. In order to bring about proper integration of these uses into the City's land use pattern, a special set of criteria or standards will aid in maintaining compatibility with adjoining land uses. It is intended that the Zoning Board of Adjustment will review all proposals for special exception uses for compliance with the appropriate provisions for these special exception uses contained in this Article before approval is granted and a building permit is issued.

1.01 Special Exception Procedures

A.All uses listed as permitted by special exception shall require the review and approval of an application to the Zoning Board of Adjustment. An application for a special exception use shall first be filed with the Building Inspector at least twenty-one (21) days before the scheduled public hearing date by the Zoning Board of adjustment. The application shall be filed by the property owner, or the authorized agent of the property owner, on a form made available by the Building Inspector. Such form shall be completed by the applicant, or the agent of the applicant; and, include the following information and materials:

1. The name, signature and address of the property owner and agent of property owner, if any.
2. The address of the property under consideration.
3. The existing zoning and land use of the property under consideration.
4. The proposed use by Special Exception.
5. A vicinity map showing the exact location of the property.
6. A plot plan, (where deemed applicable) drawn to scale with dimensions, showing the property boundaries and the proposed development layout.
7. The applicant or agent must, at the time the application is made, provide the Building Inspector with the names and addresses of all the contiguous property owners within five hundred feet (500) of the subject property.
8. A filing fee of one hundred dollars (\$100.00) is required from the applicant or the agent of the applicant at the time the application is made for a Special Exception Use. This fee is non-refundable in the event such proposal is not approved.

## 1.02 Public Notice Required

At least fifteen (15) days prior to the scheduled Zoning Board of Adjustment hearing, the Building Inspector shall give written notice of the proposal to all adjacent property owners. Such notice shall be deemed given when deposited in the United States Post Office, in the form of registered mail and addressed to such property owners at their addresses as submitted with the application. Any error in the address of such a notice shall not invalidate the giving of notice, provided that no more than five percent (5%) of the total number of notices given contain any such error. Such notice shall contain the following:

1. The name of the applicant.
2. The location of the subject property.
3. The proposed use by Special Exception.
4. The time, date and location of the Board of Adjustment public hearing.

### § 2.00 Hobby Farms

- A. The minimum lot area shall be two (2) acres.
- B. Unless otherwise provided for in this Ordinance, the keeping of farm animals and fowl (livestock and fowl) shall be limited to the following types:
  1. Poultry.
  2. Horses, donkeys, ponies, (although the keeping of goats, sheep and swine are prohibited as a part of a hobby farm).
- C. The use shall be subject to the following setback and area requirements:
  1. Farm animals shall be housed not less than two hundred feet (200') from any adjacent lot not zoned A-1.
  2. Offensive animal odors shall not be detectable at the property line.
  3. At least one (1) acre of lot area shall be required for each small livestock animal. A maximum of twenty (20) poultry for every 8,000 square feet of lot area shall be permitted.

### § 3.00 Shopping Centers

Where permitted, a shopping center shall consist of a building group that is unified:

- A. A site development plan shall be required which provides for:
  1. A minimum site depth of three hundred feet (300'), unless

otherwise provided for elsewhere in this Ordinance.

2. An integrated parking area and vehicular loading spaces as specified in Article IX.
3. The convenient vehicular servicing or buildings, the satisfactory circulation of traffic throughout the parking areas and no undue interference with through traffic in gaining ingress and egress from the proposed site.
4. The location, size and character of all exterior signs.
5. A buffer strip of not less than twenty feet (20') where a shopping center abuts any residential district.
6. Convenient and safely located pedestrian walkways.
7. A traffic analysis indicating the estimated effect of the proposed shopping center on adjacent street traffic, including volume flows to and from the proposed facility. This analysis shall be prepared by an Alabama Registered Professional Engineer.
8. A preliminary plan or engineering report providing for the site grading, storm drainage, sanitary sewers and water supply prepared by an Alabama Registered Professional Engineer.
9. A copy of any Deed Restrictions intended for the property owners upon which the proposed shopping center is to be constructed.

#### § 4.00 Gasoline Service Stations

Where permitted, Gasoline Service Stations shall observe all regulations for such structures and their uses as required by the laws of the State of Alabama, as well as provisions contained herein:

7. No gasoline service station shall be located within a radius of three hundred feet (300') from a public assembly center, including, but not limited to: places of worship, community centers, hospitals, schools, day care centers and similar uses in which large numbers of people are concentrated on a temporary or permanent basis.
2. The storage of materials, carburetors and generators, merchandise, and equipment shall be within the principal building or within the setback lines, with the exception of garbage and trash, which shall be located in an area enclosed on three (3) sides by an opaque fence of at least six feet (6') in height and located behind the rear building line.
3. The location of drains, on the premises, without the approved separators in the trap shall be prohibited. The gasoline storage tanks shall be in full compliance with the requirements of the Alabama Department of Environmental Management (ADEM).

4. Applicable Only to New Gasoline Service Stations:

- a.* A minimum frontage of 12,000 square feet.
- b.* Frontage on a public street of one hundred and twenty feet (120').
- c.* All structures permitted on the said site are not to exceed one (1) principal structure and three (3) triple gas pumps.
- d.* All islands shall have a minimum setback of twenty feet (20') from the street.
- e.* All driveways shall be set back a minimum of twenty-feet (20') from the property corners; shall not exceed thirty-five feet (35') in width and shall be thirty feet (30') apart.
- f.* A minimum of 1,600 square feet of lot area is required for each additional triple pump island. A lot area of 1,200 square feet shall be provided for each service bay or car wash. Each separate pay station requires 150 square feet.

5. Applicable only to construction of gasoline pumps and facilities to existing establishments. The following minimum standards shall apply to the gasoline dispensing area, including pump islands and approach drives:

- a.* One triple island, 2,700 square feet.
- b.* One pay station and one triple island, 5,200 square feet.
- c.* A minimum of 1,600 square feet of lot area shall be provided for each additional triple pump island and a minimum of 1,200 square feet of lot area shall be provided for each bay and car wash.

6. The following uses are prohibited at Gasoline Service Stations:

- a.* The storage of vehicles on the premises for purposes other than those of maintenance and repair. This shall not include wrecked motor vehicles left on the premises temporarily, for insurance inspection and estimates of repair; however, such vehicles shall not be parked or stored in the building or on the premises over seventy-two (72) hours.
- b.* Major vehicle repair activities as defined in Article IV, Definitions.
- c.* Buying or offering for sale of new or used motor vehicles.
- d.* Any use performed inside the principal building or on the premises which is offensive or dangerous or which constitutes a nuisance to the occupants of the adjacent properties by reason of: smoke, fuels, dust, odor, vibrations, noise or unsightliness.

## Restaurants, Fast Food

A. Where permitted, Fast Food Restaurants shall comply with the following:

1. Submission of a site development plan, which provides for:

- a.* A five-foot high fence, constructed of opaque material, shall be located on all the property lines of the said Fast Food Restaurant premises, not bordering on a public street. Where the Zoning Board of adjustment deems appropriate, a buffer may be substituted, provided the desired screening effect is achieved by providing a visually impervious barrier.
- b.* The front yard and any side yard adjacent to a public street shall be provided with a ten-foot wide buffer, except where a driveway opening is necessary for ingress to and egress from the site.
- c.* A preliminary plan or engineering feasibility report, providing for the site grading, storm drainage, sanitary sewers and water supply, shall be prepared by an Alabama Registered Professional Engineer.
- d.* Fixed lighting shall be arranged in such a manner so as not to shine, reflect or glare onto surrounding properties or public streets.
- e.* The outside premises of any Fast Food Restaurant shall be cleared of all used paper, trash, refuse and other waste materials at least once every six (6) hours prior to closing.
- f.* A Fast Food Restaurant shall not be permitted to install and maintain loud speakers or juke-boxes in a manner which allows sounds coming from them to be heard outside the restaurant building. This shall not, however, include microphones and speakers necessary for ordering food at drive-through windows.
- g.* Each Fast Food Restaurant shall be provided with a dumpster pad which shall be located in the rear of the establishment and enclosed in a manner adequate to conceal such from public view.

## § 6.00

## Hospitals

A. Where permitted, Hospitals shall comply with the following regulations:

1. Submission of a site development plan which provides for:

- a.* A scaled plan/engineering feasibility report with: site grading, storm drainage, sanitary sewers and water supply, prepared by an Alabama Registered Professional Engineer.



- b.** Where deemed necessary, by the Zoning Board of Adjustment, a traffic analysis indicating the estimated traffic flows to and from the hospital prepared by an Alabama Registered Professional Engineer.
- c.** For each bed in a hospital there shall be one hundred (100) square feet of outdoor open space, exclusive of: the required front yards, side yards, buffer areas, parking areas, loading spaces and other purposes. The said outdoor space shall be open and unobstructed from the ground up wards.

## § 7.00 Nursing Care Facilities

- A.** W  
here permitted, a Nursing Care Facility shall comply with the following requirements:
  - 1.** Submission of a site development plan which provides for:
    - a.** A preliminary plan or engineering feasibility report providing for: the site grading, storm drainage, sanitary sewers and water supply, prepared by an Alabama Registered Professional Engineer.
    - b.** Where deemed necessary by the Zoning Board of Adjustment, a traffic analysis indicating the estimated traffic flows to and from the nursing care facility prepared by an Alabama Registered Professional Engineer.
    - c.** For each bed in the nursing care facility, there shall be two hundred (200) square feet of outdoor open space, exclusive of: the required front yards, side yards, buffer areas, parking areas, loading spaces or other purposes. The said outdoor open space shall be open and unobstructed from the ground up wards.

## § 8.00 Cemeteries

- A.** Where permitted, Cemeteries shall comply with the following requirements:
  - 1.** A  
site development plan which depicts: the boundaries of the cemetery, existing zoning, adjacent land uses, topography, drainage, and buffers.
    - a.** N  
o part of a cemetery shall be located closer than two hundred feet (200') from any residential zone district in the City, nor closer than five hundred feet (500) from any hospital or nursing care facility.

- b.** A six-foot high protective wall or fence shall be constructed on all property lines, except at points of ingress and egress. A cemetery shall be exempt from any required buffering or screening along public rights-of-way. The facility shall have installed gates with locks at points of ingress and egress.
- c.** No grave site shall be located closer than one hundred and fifty feet (150') from a water line or underground water supply.
- d.** Mausoleums, crematoriums or any other buildings or structures accessory/incidental to a cemetery shall not be closer than two hundred feet (200') from any property line.

§ 9.00 Home Occupations

A.

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here permitted, a Home Occupation shall comply with the following requirements:

1. The Home Occupation shall be clearly incidental to residential use of the dwelling in which located and shall not change the essential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No Home Occupation shall be permitted, which might interfere with the general welfare of the surrounding residential area due to increased noise and/or pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property.
2. All customary Home Occupations shall be limited to an office or a business of a personal service nature.
3. A Home Occupation shall be confined to twenty-five percent (25%) of the principal dwelling, and no outside storage shall be used in connection with it. No additional buildings or structures may be constructed in connection with the Home Occupation.
4. The employment shall be limited to the members of the family residing in the dwelling.
5. No display of products shall be visible from the street and only articles made on the premises may be sold.
6. Instruction of music, art, dancing and similar activities shall be limited to two (2) students at a time and any noise created by the activity shall not be detectable outside the premises.
7. The activity carried on as a Home Occupation shall be limited to the hours of 7:00 A.M. and 10:00 P.M.

8. The Building Inspector of the City of Leeds and a representative of the Public Safety Department of the City shall be permitted to make an inspection, upon receipt of the initial application; and, in addition, make annual inspections at license renewal time or at any time, upon reasonable request, to enter and inspect the premises covered for safety and compliance purposes.
9. The Building Inspector and/or the representative of the Public Safety Department shall file, with the Zoning Board of Adjustment, a written inspection report of any inspection to determine whether the licensee is in compliance. If the licensee is found not to be in compliance, areas of non-compliance shall be set out.
10. In the event of the death or relocation of a Home Occupation licensee, the existing license shall automatically terminate. However, if a surviving spouse or adult child, residing at the same residence at the time of this event desires to continue the Home Occupation, the license would remain in effect, providing everything else is in full compliance with the requirements set forth in this Ordinance.

§ 10.00 Mini-Warehouses

- A. Where permitted, Mini-Warehouses shall comply with the following requirements:
  1. No outdoor storage shall be permitted on the site.
  2. No storage of volatile, toxic, illegal or explosive materials shall be permitted, either inside the structure(s) or on the premises.
  3. The facility or site shall not be used for any wholesale or retail sales operation or activity; however, this shall not include periodic auctions which are normally held by the management on the premises to dispose of items which have been abandoned and/or for which the lease time has expired.
  4. A minimum lot size of one (1) acre shall be required for a Mini-Warehouse development and such facility shall be limited to one (1) story in height.
  5. A screen fencing shall be installed around the perimeter of the development. The said fencing shall be a minimum of eight feet (8') in height. The points of ingress and egress to the facility shall be provided with gates which shall be locked when the facility is not open for business.
  6. All outdoor lighting shall be shielded to direct light and glare onto the Mini-Warehouse premises and may be of sufficient intensity to discourage vandalism and theft. The said lighting shall be deflected, shaded, and focused away from all adjoining properties.

7. The manager shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all the applicable provisions.
- B. A site development plan is required, which provides for:
  1. A preliminary plan or engineering feasibility report which addresses the site grading, storm drainage, water run-off, the availability of utilities and the identification of areas which will require buffers. A twelve-foot buffer shall be provided along all property lines abutting any residential zone district within the City.

§ 11.00 Private Tennis Courts

- A. Where permitted, private tennis courts shall comply with the following requirements:
  1. All tennis courts constructed in single-family or two-family residential districts shall comply with the following standards:
    - a. The tennis court shall be located in the rear yard.
    - b. The tennis court shall not be located any closer than twenty-five feet (25') from any property line and residential structure.
    - c. All the fences shall meet the requirements of Article VII, § 4.00.
    - d. The tennis courts for multi-family and commercial uses shall meet the Standards deemed appropriate by the Zoning Board of Adjustment during the review of each specific proposal, including but not limited to the required buffers.
    - e. If lighted, all exterior lighting fixtures shall be constructed in a manner so as to direct the beam of light toward the facility itself and away from any adjacent areas. The said fixtures shall not exceed twenty-five feet (25') in height.

§ 12.00 Industrial Parks

- A. Where permitted, Industrial Parks shall comply with the following requirements:
  1. An Industrial Park shall, for the purpose of this Ordinance, include all land ten (10) acres or more in size, subdivided and platted into two (2) or more parcels and used or intended to be used for predominately industrial or commercial purposes of an Industrial character.
  2. A site development plan shall be required for each Industrial Park which provides for the following:

- a.** An access to an Industrial Park shall be by way of a major thoroughfare.
- b.** All streets or roadways within an Industrial Park shall have a minimum right-of-way width of seventy feet (70'), a maximum gradient of five percent (5%) and shall conform to the City of Leeds standards for commercial streets or as otherwise approved by the Leeds Zoning Board of Adjustment.
- c.** All off-street parking and loading shall be provided in accordance with the provisions of Article IX.
- d.** The outdoor storage in an Industrial Park shall be permitted only when accessory to a permitted principal use and only when storage areas are suitably screened by either landscaping or fences or walls and are located at least one hundred feet (100') from any property line and at least one hundred and fifty feet (150') from any street lines. Such storage areas shall not cover more than fifteen percent (15%) of the site area. The Zoning Board of Adjustment shall approve plans before a building permit shall be issued for their construction.
- e.** A buffer area, not less than fifty feet (50') in width, shall be provided along all the property lines of an Industrial Park which abuts any residential zone district.
- f.** A cul-de-sac street shall not be permitted in Industrial Parks; however, dead-end street are permitted, when not more than five hundred feet (500') in length, as measured from the terminal point of the dead-end street to the closest intersection. Such a terminal point is to be provided with a paved vehicle turnaround area having a minimum right-of-way radius of seventy feet (70').
- g.** The street lighting shall be provided, in accordance with the City of Leeds lighting standards, with the location of street lights in conformance with the Alabama Power Company recommendations.
- h.** The vehicular approach to an Industrial Park site from a public street or highway shall have a minimum radius, so designed, such that uncontrolled left hand turns from the street or highway shall be eliminated or reduced either by a frontage roadway or other suitable means deemed adequate by the Zoning Board of Adjustment and the Leeds Street Department Superintendent.
- i.** The sight distances at all points of ingress and egress to the public streets or highways shall not be less than one thousand feet (1,000) except where a traffic signal light

is installed at the entrance to or exit from the Industrial Park site or unless otherwise determined by a study conducted by the City Engineer or other persons qualified in this field.

Where points of ingress and egress to Industrial Parks from public streets or highways, having speed limits in excess of thirty (30) miles per hour, are located, there shall be provided, on a public thoroughfare, acceleration and

deceleration lanes, the length of which shall be determined by the following:

Speed (Miles Per Hour)	30	40	50	55
Distance in Feet	100	200	300	350

- k. A report of subsurface soil conditions shall be provided to the City Engineer, Superintendent of Streets and Zoning Board of Adjustment by an Alabama Registered Professional Engineer.
- 1. A preliminary plan or engineering feasibility report, prepared by an Alabama Registered Professional Engineer, shall be submitted to the City Engineer and the Zoning Board of Adjustment. This plan/report shall provide for the site grading, storm drainage, sanitary sewerage and water supply.
- m. A copy of any Deed Restrictions shall be provided to the Planning Commission.

## § 13.00 Transmission Towers (Commercial)

### **A. PURPOSE**

The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers. It is the Leeds Zoning Board of Adjustment's express intent that the construction of new towers be an option of last resort; to the greatest extent feasible, location of antennae on existing towers, and other suitable structures should first be sought. These guidelines are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the City of Leeds.

### **B. DEFINITIONS**

**ANTENNA:** An electromagnetic device which conducts radio signals, through an attached cable or waveguide, to or from a radio transmitter or receiver. Typically, this includes "Whips", "Panels" and parabolic "dishes".

**ANTENNA SUPPORT STRUCTURE:** Any structure on which radio antennas and cabling can be attached. Typically this includes steel towers with guy-wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four "leg" (towers); rooftops of existing buildings or structures such as elevated water storage tanks.

**CELLULAR SITE:** A parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations. In cases involving vacant land, or low lying existing structures, a support structure for transmitter/receiver antennas are usually required.

**MINI-CELLULAR SITE:** To accommodate the use of existing structures such as buildings, billboards and water towers, a mini-cellular site is defined as: a parcel of land or building (leased or purchased) on which is located one or more transmitter/receiver stations for wireless communication systems, such that towers and/or antennae do not exceed twenty feet (20') in height above the existing structure, and "whips", "panels", and parabolic "dishes" do not exceed 100 square feet.

#### 13.01 Applicability.

All communication towers are subject to these guidelines.

#### 13.02 Objectives.

The proposed locations and design of all communications towers shall duly consider the following public health, safety, and general welfare objectives:

1. **Structural Safety.** The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes (including Section 1205 of the Standard Building Code and the Electronic Industries Associations RS 222 Code) so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
2. **View Protection.** The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
3. **Land Use Compatibility.** The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
4. **Design Harmony.** The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.

- 5.** Existing Communications Services. The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communications services to the area.
- 6.** Health Effects. The proposed tower will comply with all applicable federal, state, county and city health standards so as not to cause detrimental health effects to persons in the surrounding area.

### 13.03 Development Criteria.

The City of Leeds building inspector and city engineer shall review all communications towers requesting permits for compliance with the applicable standards and criteria listed below. For communication towers that are subject to site review by the Leeds Zoning Board of Adjustment, any of these criteria may be waived or adjusted by this Body if the circumstances of a particular case so warrant. In any event, these criteria are considered the minimum necessary to protect the public health, safety, and general welfare. The Leeds Zoning Board of Adjustment may also impose higher standards if it deems them to be necessary to further the objectives of these guidelines.

- 1. Setbacks.**
  - A.** Where permitted, the distance between the base of the tower, including guys, accessory facilities, and property lines abutting urban residential districts, public parks and roads must equal twenty percent (20%) of the tower height, property lines adjacent to other uses (e.g. agriculture, industrial), shall require a setback equal to the rear yard setback established for the underlying zone.
  - B.** When located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries shall be fifty feet (50').
  - C.** The Site Review by the Leeds Zoning Board of Adjustment may reduce the standard setbacks in exceptional cases where a hardship would result due to unusual conditions on the site or other impracticalities. However, the Leeds Zoning Board of Adjustment shall not reduce the setbacks to the detriment of affected residential properties.
- 2. Appearance.**
  - A.** Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the Federal Aviation Administration (FAA).
  - B.** The design of the tower shall be of a type that has the least visual impact on the surrounding area.
  - C.** The design of the tower compound shall, to the greatest extent possible, maximize use of building materials, colors, textures,



screening, and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.

- D.** Where communications towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 feet of residential areas and areas of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.

**3. Lighting.**

Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. Where required, the Leeds Zoning Board of Adjustment shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with 13.03, 5. (Security Devices) below.

**4. Landscaping.**

- A.** A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
- B.** The standard buffer shall consist of a minimum eight feet (8') wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines, and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the Site Review by the Zoning Board of Adjustment may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
- C.** In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth-toned colored, vinyl-coated steel security fencing in combination with four feet of evergreen trees, shrubs, vines, and/or other plantings.
- D.** In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Zoning Board of Adjustment.
- E.** Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

- F. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.

**5. Security Devices.**

The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel, chain link fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wire, if applicable). Security fencing shall require screening in accordance with E-4 above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.

**6. Access.**

Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street, or off-street parking area.

**7. Co-Location**

No new tower shall be established if space is structurally, technically and economically available on an existing tower which would serve the area that the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with F-4. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.]

**8. Removal of Obsolete Towers**

Any tower that is no longer in use for its original communications purpose shall be removed at the owners expense. The owner shall provide the Building Inspector with a copy of the notice of the FCC of intent to cease operations which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operation.

**13.04 Application.**

Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review standards.

1. Statement of Impact on Health, Safety and Welfare. A brief written statement shall address conformance with the health, safety and welfare objectives of these guidelines.
2. Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.
3. Rendering. A rendering of the tower, accessory facilities, and compound shall depict colors, materials, and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
4. Justification For A New Tower. A proposal for a new tower shall be documented by the applicant that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
5. Certification Of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed towers structural design can accommodate a minimum of two (2) shared users, in accordance with 13.03, (7), Development Criteria.
6. As Built Survey. A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.
7. Total anticipated capacity of the structure, including the number and types of antennas that can be accommodated.
8. Mitigation measures for ice and other hazard falling debris, including setbacks and de-icing equipment.
9. Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any residential zone district. Such towers shall be prohibited in any residential zone district of the City of Leeds, Alabama.

§ 14.00 Bed and Breakfast Establishments

- A. Where permitted, such establishments shall comply with the following requirements:
  1. Activities related to bed and breakfast establishments shall be conducted in a building originally designed as a detached single-family residence.

2. Breakfast shall be served only to persons who have lodging in the inn and shall be the only meal served\_
3. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
4. The exterior appearance of the structure shall not be altered from its single-family character.
5. A maximum of five (5) bedrooms shall be made available for rent. A bed and breakfast home having more than five (5) bedrooms for rent may be approved by the Zoning Board of Adjustment if the home is designated as a historic landmark. If designated as a historic landmark, any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces; windows and doors, cornices, moldings, chair rails or light fixtures.
6. No exterior alterations, other than those necessary to ensure the safety of the structure and its occupants, shall be made to any building for the purpose of providing a bed and breakfast.
7. One stationary sign (ground mounted or wall mounted) is permitted per establishment. This sign shall not exceed eight (8) square feet in sign area and six feet (6') in height. Such sign shall not be illuminated in any manner. If a ground sign is utilized, it shall be subject to the setback requirements set forth for such signs in residential areas of the sign section of Article X.

§ 15.00 Tree Cutting (Commercial)

Any proposal to conduct commercial woodcutting operations in Leeds shall meet the following requirements:

- A. The Wood cutting firm or company shall submit a written summary of their intentions and plans to the Leeds Tree Commission. This summary shall contain the following:
  1. The name and owner of the firm, company, corporation or business as well as the address of the operations headquarters.
  2. The location at which the tree cutting activity is to take place and the name and address of the owner of the subject property.
  3. The approximate number of trees to be cut and/or the acreage involved in the operation.
  4. The slope of the area involved and location of any adjacent streams or other bodies of water that could be adversely affected by land disturbance and tree removal thereby increasing the

volume of surface water runoff and other environmental issues.

5. If the purpose of the tree cutting is for the development of farmland, pasture land, or building purposes, then no reforestation plan shall be required. However, any time there is any clear cutting of timber within the City of Leeds, Alabama, where the wood is simply harvested for sale and the property will be put to no other use, a reforestation plan must be submitted to the Leeds Tree Commission at the time application is made.
- B. The comments of the Leeds Tree Commission shall be forwarded to the Leeds Zoning Board of Adjustment for review. The applicant shall complete and submit an application to the City for a Special Exception Use. The applicant shall also provide the above information to the Zoning Board of Adjustment which shall hold a public hearing consistent with the notification requirements cited for other Special Exception Uses in this Section. The issuance of a permit for commercial wood cutting activity shall only be granted on condition of approval by the Zoning Board of Adjustment.

## ARTICLE IX

## OFF-STREET PARKING AND LOADING REQUIREMENTS

## § 1.00 Purpose Of Off-Street Parking And Loading Requirements

The purpose of this Article is to reduce traffic congestion on public streets by making provisions for minimum, off-street, parking and loading standards. It is intended to ensure safe and convenient access, to and from each site; ensure safe and efficient traffic circulation; and, encourage aesthetic and functional design proposals.

1.01 Off Street Parking and Loading Terms Defined

The following are applicable off-street parking and loading definitions:

Abandoned Motor Vehicle. Any motor vehicle which is partially dismantled, inoperative, wrecked or junked which is left at any place on a street or highway within the City limits of Leeds, Alabama for a period of at least seventy-two (72) consecutive hours.

Access Boundary. That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.

BR. Bedroom or guest accommodations.

DU. Dwelling Unit.

Employee. The maximum number of persons employed at the facility regardless of the time period during which this occurs or whether the persons are full-time employees. The major shift may be a particular day of the week; or, it may be a lunch or dinner period in the case of a restaurant.

GLA. Gross leasable floor area. The total floor area of a building designed for both tenant occupancy and exclusive use. The GLA includes both owned and leased areas, but does not include shared or common areas among tenants. Where the total floor area of a building is occupied or where a building has no shared or common area, it is the gross floor area measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Inoperative Motor Vehicle. A motor vehicle which cannot be driven upon the public streets for reasons including, but not limited to: being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power from one location to another.

Loading Area. That area used to satisfy the requirements of this Ordinance for truck loading and unloading.

Loading Space. An off-street space or berth used for the unloading or loading of commercial vehicles.

Occupancy Load. The maximum number of persons which may be accommodated by the use as determined by its design or by fire code standards.

Parking Aisle. That portion of the parking area consisting of lanes providing access to parking spaces.

Parking Area. An improved area on a lot exclusively used or designed for use as a temporary storage area for motor vehicles, containing access driveways, parking aisles and parking spaces.

SF. Square feet.

Stacking Space. An off-street space for the temporary stacking of vehicles with an aisle intended to serve as a drive-in window, take-out food window, dry cleaning/laundry pick-up or similar type activity station.

#### 1.02 Required Off-Street Parking Spaces -

- A. Unless otherwise provided for, all uses shall conform with the minimum parking requirements outlined below. In situations where the required number of parking spaces is not readily determinable by the table shown below, the Building Inspector is authorized to determine the parking space requirements using the table as a guide.

Table IX 01

	Agricultural Uses	Required Parking Spaces
1 .	Farms	2 per every 3 employees
2 .	Farm Stands	1 per 100 sf of display area

Table IX.02

	Residential Uses	Required Parking Spaces
1.	Single-Family Residences	2 per DU
2.	Garden Homes	2 per DU
3.	Townhouses	2 per DU
4.	Manufactured (Mobile) Homes	2 per DU
5.	Duplexes	2 per DU
6.	Multi-Family Housing	1 1/2 per DU
7.	Elderly Residential Development	1 per DU

Table IX. 03

	Industrial Uses	Required Parking Spaces
1.	Distribution Services	2 per every 3 employees, 1 per company vehicle but not less than 1 per 500 sf of GLA
2.	General Manufacturing	2 per every 3 employees; 1 per company vehicle but not less than 1 per 1,000 sf of GLA
3.	Industries	Same as for General Manufacturing
4.	Research Laboratories	Same as for General Manufacturing
5.	and similar uses	Same as for General Manufacturing
6.	Warehouses	2 for every 3 vehicles; 1 per company vehicle but not less than 1 per 500 sf of GLA
7.	Wholesale Businesses	Same as for Warehouses



Table IX.04

	Institutional Uses	Required Parking Spaces
1.	Boarding Houses	1 per BR
2.	Clubs	1 per 100 sf (non-storage and non-service floor area)
3.	Community Centers	1 per 300 sf of GLA
4.	Country Clubs	1 per 3 persons (maximum occupancy)
5.	Day Care Centers	1 per employee and 1 for every 8 occupants (maximum occupancy)
6.	Hospitals	1 for every 2 beds; 1 1/2 for every emergency bed; plus, 1 per employee
7.	Nursing Care	1 per 2 persons (maximum occupancy); 1 per employee
8.	Domiciliary Care	1 per 2 persons (maximum occupancy); 1 per employee
9.	Rehabilitation Facilities	1 per 2 persons (maximum occupancy); 1 per employee
10.	Group Care Facilities	1 per 2 persons (maximum occupancy); 1 per employee
11.	Places of Worship	1 per 3 persons (maximum occupancy)
12.	Post Offices	1 per 300 sf of GLA; 1 per employee
13.	Public Assembly Areas	1 per 3 persons (maximum occupancy)
14.	Public Facilities	1 per 300 sf of GLA
15.	Colleges and Universities	1 for every 3 students (maximum enrollment); 2 for every 3 employees
16.	Elementary and Junior High Schools	1 for every 8 students (maximum enrollment); 2 for every 3 employees
17.	Vocational and High Schools	1 for every 6 students (maximum enrollment); 2 for every 3 employees

Table IX.05

	Commercial Uses	Required Parking Spaces
1.	Appliance Stores	1 per 400 sf of GLA
2.	Banks	1 per 150 sf of GLA and 4 stacking spaces per drive-in window
3.	Bed and Breakfast	1 per guest bedroom; 1 per employee
4.	Billiard rooms/pool halls	2 per table
5.	Barber/Beauty Shops	1 per 100 sf of GLA
6.	Bowling Alleys	4 per Alley
7.	Farm Support Business	2 for every 3 employees and and 1 for every company vehicle
8. -	Home Improvement Centers	1 per 400 sf of GLA
9.	Car Washes	2 for every 3 employees and 4 stacking spaces per bay
10.	Clinics	6 per practitioner
11.	Commercial Schools	1 for every 3 students (Maximum Occupancy); and 2 for every 3 employees
12.	Convenience Stores	1 per 125 sf of GLA
13.	Funeral Homes	1 for every chapel seat (maximum occupancy); 1 per company vehicle; 2 for every 3 employees
14.	Furniture Stores	1 per 500 sf of GLA
15.	Gasoline Service Stations	2 per service bay; 1 per company vehicle; 2 for every 3 employees; 2 stacking spaces per fuel island
16.	General Retail Businesses	1 per 200 sf of GLA
17.	Hotels and Motels	1 per room; 2 for every 3 employee
18.	Laundromats/dry cleaners	1 per machine or 1 per 200 sf of GLA (Whichever is greater)
19.	Mini-Warehouse	1 per every 15 units

20.	Motor Vehicle Sales	1 per 200 sf of sales area, 1 per service bay; 1 per 2,500 sf of outdoor display area
21.	Motor Vehicle Service	1 per 200 sf of sales area; 1 per service bay
22.	Offices, Professional/Businesses	1 per 200 sf of GLA
23.	Outdoor Recreation: Golf Courses Carpet Golf Golf Driving Ranges Other	5 per hole 2 per tee 1 per tee 1 for every 3 persons
24.	Open Air Markets	1 per 100 sf of display area
25.	Restaurants	1 per 100 sf of GLA; 1 per delivery vehicle; 4 stacking spaces per drive-in window
26.	Shopping Centers with Restaurants with theaters	11 per 2,000 sf of GLA add 1 per 100 sf of GLA 1 for every 3 persons (:Maximum Occupancy)
27.	Stables	1 for every 3 persons (Maximum Occupancy); 2 for every 3 employees
28.	Tourist Homes	1 per guest bedroom; 1 per employee

### 1.03 Off-Street Parking Design Requirements

#### A. The following are minimum parking space dimensions:

1. Each parking space, a rectangle, shall measure nine feet (9') in width and nineteen feet (19') in length, except as provided in 2 and 3 below.
2. In large parking areas, twenty (20) parking spaces or more, up to twenty percent (20%) of the parking spaces may be reserved for compact cars. Such rectangular spaces shall measure a minimum of eight feet (8') in width and sixteen feet (16') in length and be conspicuously marked for compact cars only.
3. All rectangular parking spaces, parallel to streets, shall measure nine feet (9') in width and twenty-two feet (22') in length.
4. A stacking space shall contain a minimum rectangular area of ten feet (10') in width and twenty feet (20') in length and be separated from parking aisles and spaces.

- 5.** All handicapped parking spaces shall conform with the provisions of the Standard Building Code, 1994, Chapter 11, and as such may be amended with regard to accessibility for the physically disabled and/or handicapped.
  - 6.** All off-street parking spaces, at an angle of forty-five degrees to the curb of the street, forming a rhomboid, shall measure thirteen feet (sides parallel to the curb) by twenty-four feet (24') (sides at an angle to the curb). The width of such spaces, the perpendicular distance between the sides at an angle to the curb, shall measure nine feet (9').
  - 7.** All off-street parking spaces, at an angle of sixty degrees to the curb of the street, forming a rhomboid, shall measure ten feet (sides parallel to the curb). The width of such spaces, the perpendicular distance between the sides at an angle to the curb, shall measure nine feet (9').
- B.** The parking areas shall be designed to discourage and prevent vehicles from backing onto public streets/roads. The parking areas that serve one (1) or two (2) dwelling units, that do not abut an arterial street or road, are exempt from this requirement.
- C.** All parking areas, when adjoining a street right-of-way between adjoining lots, shall be physically separated from the right-of-way.
- D.** The lighting fixtures used to illuminate parking areas shall not direct lights on adjoining streets or properties.
- E.** The parking areas for all the subdivisions and developments shall have adequate provisions to allow sanitation, emergency and other public service vehicles to safely serve them. The construction standards for these parking areas must assure the support and maneuverability of all public service vehicles. Where necessary, fire lanes may be required by NFPA or City of Leeds Fire Codes.
- F.** All parking areas shall be paved with dust-free materials (asphalt or concrete).
- G.** All parking spaces, except those serving one-or two dwelling units, shall be demarcated with painted lines or other acceptable visual markings.
- H.** All parking areas shall be maintained in good condition, free of potholes, weeds, trash, refuse, etc. The maintenance responsibilities shall be those of the owner/lessor or the renter/lessee, as may be the case.
- L** The drainage in parking areas shall direct storm water back into the site from adjacent properties toward adequate drainage channels. All large parking areas of twenty (20) spaces or more shall provide on-site storm water detention to retard the sudden discharge of high volumes of storm water into the public drainage system. The quantity and rate of run-off after development shall not exceed the quantity and rate of run-off before development, based on a twenty-five (25) year storm frequency. The drainage plans shall be subject to approval of both the Leeds Planning Commission and the City Engineer.

#### 1.04 Location Of Required Parking

- A. All required parking spaces shall be located on the same lot as the use served by the parking, except as provided below:
  - 1. The required parking within planned residential developments may be provided in common parking areas.
  - 2. If the number of required parking spaces cannot reasonably be provided on the same lot as the served use, satellite parking may be provided on an adjacent lot. The satellite parking spaces shall be located within four hundred feet (400') of the nearest public entrance to the building housing the principal use. If the use is not housed within a building, satellite parking spaces shall be located four hundred feet (400') of the lot. A satellite parking exception requires written legal documentation, that the user of such satellite spaces has the right to them.
  - 4. A joint parking area may contain required parking spaces for more than one (1) use, provided the combined number of spaces complies with the parking for all uses. If, however, the concerned parties wish to utilize the same spaces at different times, these spaces may be credited to each separate use. The applicant for a combined use facility must present documentation of a combined parking agreement; and, if sharing the same spaces, a time schedule for allocation of such spaces must be documented.

#### 7.05 Parking Prohibitions

- A. The keeping of an inoperative motor vehicle in a residential district shall be within a fully enclosed building or structure or be completely screened or shielded from public view. No inoperative motor vehicle shall be parked on any public street.
- B. No vehicle exceeding 10,000 pounds gross weight and no boats, trailers, recreational vehicles, campers and similar vehicles or equipment, regardless of weight, shall be kept within a residential district, unless such vehicle is parked behind the front building line.
- C. The use of off-street parking in all residential districts for non-residential purposes is prohibited, with exceptions to social gatherings, functions, celebrations, etc., that do not last more than twenty-four (24) hours.
- D. The use of any required parking space for the storage of any motor vehicle for sale for any purpose other than the parking of a motor vehicle for employees or visitors is prohibited.

### 1.06 Access Controls

- A. *The proposed access points within the City shall be reviewed by the Building Inspector, Street Department and City Engineer; and, it shall be approved by the Leeds Planning Commission. The proposed location, width, drainage structure, traffic conditions, site distances and resurfacing shall be addressed in the request for approval.*
- B. *The entrances shall be held to a minimum and be located at points affording maximum sight distances, minimum grades and maximum separation. For highway service uses along major streets, combined or shared driveways, entrances and marginal access streets may be needed.*
- C. *The maximum number of entrances shall be as follows:*

	<i>Street Frontage Width</i>	<i>Maximum Entrances</i>
<b>1 .</b>	<i>Less than 125 Feet</i>	<i>One (1)</i>
<b>2 .</b>	<i>125 to 300 Feet</i>	<i>Two (2)</i>
<b>3 .</b>	<i>300 to 500 Feet</i>	<i>Three (3)</i>
<b>4 .</b>	<i>500 to 1,000 Feet</i>	<i>Four (4)</i>
<b>5 .</b>	<i>Above 1,000 Feet</i>	<i>Five (5)</i>

- D. *The property which has frontage on two (2) or more streets may be allowed entrances on each street in accordance with the above criteria.*
- E. *The distance between openings shall be one hundred and twenty-five feet (125'), except for single-family detached lots.*
- F. *The entrances shall be located so that the curb openings are a minimum of five feet (5') from the nearest edge of a street drainage inlet and fifty feet (50') from the corner radius.*
- G. *Turning lanes or the widening of pavement at entrances may be required in some cases, as deemed necessary by the City Engineer.*
- H. *Each parking area on a lot shall be physically separated from an adjoining street right-of-way by a curb or equivalent barrier to control vehicular access to and from the lot. Such barrier shall be located at or along the front lot line, unless suitable barriers are located within the street right-of-way. Except for permitted access ways, such barriers shall be contiguous.*

### 1.07 Required Off-Street Loading Spaces

- A. Any use with a gross leasable area (GLA) of 6,000 square feet or more which requires deliveries and shipments must provide off-street loading spaces in accordance with the following table. In those situations where the required number of loading spaces is not readily determinable by the table, the Building Inspector is authorized to determine the loading space requirement, using the table as a guide.

	GLA of Building	Number of Loading Spaces
<b>1 .</b>	6,000 - 24,999	One (1)
<b>2 .</b>	25,000 - 79,999	Two (2)
<b>3 .</b>	80,000 - 127,999	Three (3).
<b>4 .</b>	128,000 - 198,999	Four (4)
<b>5 .</b>	199,000- 255,999	Five (5)
<b>6 .</b>	256,000- 319,999	Six (6)
<b>7 .</b>	320,000- 391,999	Seven (7)
<b>8 .</b>	Each Additional 72,000 of sf	One (1)

Every possible assembly use, auditorium, convention hall, exhibition hall, stadium office building, funeral home, multi-family apartment buildings of twenty (20) or more units, restaurants and hotels of 30,000 square feet or more shall provide off-street loading spaces, as follows:

	GLA of Building	Number of Loading Spaces
1 .	6,000- 29,999	One (1)
2 .	30,000 - 44,999	Two (2)
3 .	45,000 - 119,999	Three (3)
4 .	120,000-197,999	Four (4)
5 .	198,000- 290,999	Five (5)
6 .	291,000 - 389,999	Six (6)
7 .	390,000 - 488,999	Seven (7)
8 .	489,000- 587,999	Eight (8)
9 .	588,000 - 689,999	Nine (9)

1 0 .	Each Additional 105,000 of sf	One (1)
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### 1.08 Off-Street Loading Design Standards

- A. Each loading space shall have a minimum rectangular area of twelve feet (12') in width and fifty-five feet (55') in length, exclusive of driver and maneuvering space. Each space shall allow vertical clearance of fourteen feet (14').
- B. No loading space shall be located within the front yard or within five feet (5') of any property line.
- C. No loading space shall be used to meet the parking space requirement, interfere with the on-site circulation of traffic or allow a truck to extend into any right-of-way or over any property line.
- D. All lighting fixtures used to illuminate loading areas shall not direct light onto adjacent properties.
- E. All required loading spaces shall be located on the same lot as the principal use served by the spaces, unless a satellite or joint use loading facility is secured with equivalent satellite or joint parking facilities, as provided in subsection 1.04, Location of Required Parking.

### 1.09 Change In Parking And Loading Requirements

- A. Whenever there is an alteration of a structure, an expansion of a use or a change in use which increases the parking and loading requirements, the use shall conform with the off-street parking and loading standards of this Ordinance to the furthest practicable extent.

## ARTICLE X

### SIGN REGULATIONS

#### § 1.00      Purpose and Intent

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the City of Leeds, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effects of signs on nearby public and private property, and, to enable the fair and consistent enforcement of these regulations.

#### § 2.00      Definitions Applicable To This Ordinance

The following definitions are applicable to the Sign Section of this Ordinance:

A - Animated Sign. Any sign that uses movement or change in lighting to depict a special effect or scheme.

B - Banner. Any sign of light-weight fabric or similar material that is temporarily mounted to a pole or off a building by a permanent frame or one 11) or more edges, except national flags, state and municipal flags or official flags of any institution or business. See temporary sign.

C - Bench Sign. Any sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

O - Billboard. A non-point of sale sign which directs attention to a business, commodity, service or activity sold or offered for sale at a location other than the premises upon which the said billboard is located. See Off-Premise Sign.

E - Bulletin Board. A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the name of individuals connected with it and general information or announcements of events or activities occurring at the institution or similar messages.

F - Changeable Copy Sign (Electronic). A sign board that is designed so that the characters, letters or illustrations can be electronically changed or arranged without permanently altering the face or the surface of the sign.

G - Changeable Copy Sign (Manual). A sign that is designed so that characters, letters or illustrations can be manually changed or arranged without permanently altering the face or surface of the sign.

H - Construction Sign. A sign that bears the name or names of the principal contractors, architects and lending institutions responsible for the construction on the site where the sign is placed, together with other information included thereon. See Temporary Sign.

*I - Directory Sign.* A sign upon which the name and location of the occupants or the use of a building is provided.

*J - Erect.* To: build, construct, attach, hang, place, mount, suspend or affix and it shall include the painting of wall signs upon the exterior wall surface of buildings or other structure.

*K - Free-Standing Sign.* Any sign supported by structures or supports that are placed on or anchored in the ground. These signs are independent from any building or other structure.

*L - Ground Sign.* Any sign which is supported by structures or supports in or upon the ground and is independent of supports from any building. Also qualifies as a free - standing sign.

*M - Illuminated Sign.* A sign lighted by or exposed to artificial lighting from a source light on or inside the sign face or directed towards the sign.

*N - Indirect Light.* One reflecting light from a separate outside source aimed toward it, including silhouettes on a background or reflected light.

*O - Direct Light.* One emitting light from a source within or affixed to the sign face and beaming outward from it.

*P - Intermittent Light.* Any flashing, traveling light, including arrangements that spell messages, simulate motion or form various symbols or images.

*O - Location.* Any lot premises, building, structure, wall or place whatsoever upon which a sign is located.

*R -Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

*S - Non-Conforming Sign.* Any sign that does not conform to the requirements of this Ordinance.

*T - Off-Premise Sign.* A sign that directs attention to a business, commodity, service, entertainment or activity conducted, sold or offered for sale at a location other than the premises upon which the sign is located. U

*- On-Premise Sign.* A sign which advertises only goods, services, facilities, events or attractions that are available on the premises or identifies the owner or the occupant or one that directs traffic on the premises.

*V- Permanent Sign.* A sign which is originally designed, constructed or modified to be permanently affixed to a building, structure or to the ground.

*W - Permanent Portable Sign.* A sign which otherwise meets the definition of a "portable sign" but has been permanently affixed to a building structure or to the ground.

X - Person. Any person, firm, partnership, association, corporation or organization, singular or plural, of any kind.

Y - Portable Sign. Any sign which is not permanently fixed to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to "A" or "T" Frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the day to day operation of a business.

Z - Premises. A lot or tract of land upon which a sign is located or is to be located.

AA - Principal Building. A building in which the principal use of a particular zone is conducted. Zone lots with multiple principal uses may have multiple principal buildings; but storage buildings, garages and other buildings which are clearly accessory in nature shall not be considered principal buildings.

BB -Projection Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

CC - Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

DD - Roof Sign - Integral. Any sign erected or constructed as an integral and essential part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and no part of the sign is separated from the rest of the roof by a space of more than six inches (6").

EE - Sign. A name, identification, image, description, display or illustration which is affixed to, painted on or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of a sign. All signs shall reflect a professional quality of workmanship, including all art work, lettering, ornamentation, etc.

FF - Sign Area. The area of a sign, measured as follows: The area of any geometric/non-geometric shape, which forms the sign, that encompasses the extreme limits of each and every sign face, including all advertising surfaces, background, framing and ornamentation, excluding structural members that do not form an integral part of the display or pole covers which contain no advertising copy. The area of all such sign faces shall be totaled and then divided by two (2) to determine the total sign area.

All other signs shall be measured as the area within a single rectangle which encompasses all letters, words, symbols or other graphic elements, plus any background area which does not appear as a continuous portion of the building surface.

GG Sign Face. The surface or surfaces used for the display of a sign message as seen from only one direction.

HH - Signable Wall Area. The area within a rectangle which encompasses a continuous portion of a building facade, unbroken by windows, doors or major architectural interruptions of the building surface. For signs located completely within a gable, signable wall area may be triangular in shape.

II- Snipe Sign. A sign of any material that is attached in any way to a utility pole, tree or any object located on a public right-of-way.

JJ - Spacing of Signs. The distance, between signs, measured from points directly opposite to the signs along the nearest edge of the pavement or roadway, of the main thoroughfare or traveled way of the street or thoroughfare to which said signs are directed.

KK - Temporary Portable Sign. A portable sign which has not been permanently affixed to the ground or to a building in accordance with SBCCI Sec(s) 3708 & 1707, for which a special permit is required.

LC - Temporary Sign. Any sign not originally designed, constructed or intended to permanently be affixed to any building, structure or the ground. All temporary signs shall be removed by the party/parties responsible for them; and, where stipulated, such signs shall be removed within the specified time period.

MM Temporary Subdivision Sign. A temporary sign advertising the sale of property in an approved subdivision within the City.

NN - Wall Sign. Any sign painted on or attached to and erected parallel to the face of or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

OO - Window Sign. Any sign, picture, symbol or combination thereof, designed to accommodate information about an activity, business, commodity, product, service, event or sale that is placed inside a window or upon the window pane or glass and is visible from the exterior of the building.

### § 3.00

#### Prohibited Signs

Except as provided for exempt signs, the following signs are prohibited throughout the City of Leeds, Alabama.

- (1)** Any sign erected or maintained at any location where by reason of its position, illumination, shape, symbol, color, form or character may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with, mislead, confuse or disrupt traffic safety or flow.
- (2)** Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam.
- (3)** Any sign of any type or support thereof placed, extending, or projecting on a public right-of-way or located or projecting beyond a property line, unless expressly authorized.
- (4)** Any flashing, revolving, moving, reflecting, or animated sign, beacons, streamers, pennants, or propellers. The restriction of this subsection shall not apply to barber poles or sign display areas including time, date and weather.
- (5)** Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
- (6)** Any sign with illegal, obscene, or prurient words, scenes, or graphics.
- (7)** Any sign painted on or attached to a utility pole, rock, tree, telephone booth (except telephone information may be displayed), automated bank teller (except telephone information may be displayed), bench, or the like.
- (8)** Any circular or throwaway flyer attached to vehicles or mounted on any object outdoors.
- (9)** Any sign that blocks a fire escape, door, window, parking or loading aisle or space.
- (10)** Any unsafe sign
- (11)** Menu and sandwich (boards); freestanding signs; searchlight stands; hot-air or gas-filled balloons, or umbrellas used for advertising; and similar signs.
- (12)** Guy wire and similar insubstantial supports of a projecting object.
- (13)** A sign display on a vehicle parked primarily for the purpose of advertising a business, product or service.
- (14)** Illuminated tubing or strings of light that outline property lines, sales areas, roof lines, building lines, and similar areas. Illumination of architectural features of a building, such as doors, windows, and similar features shall not be prohibited.
- (15)** Any unlawful sign.

**§ 4.00      Portable Signs****Policy Statement:**

In order to comply with the provisions of the Southern Building Code Congress International Sections 3108 & 1707, no portable sign shall be allowed except as follows:

- A)**      Permanent Portable Sign: As defined in Section 2.0 (WI) and shall be subject to an annual permit fee of \$15.00 (or as otherwise established by the city council) Such permit(s) shall be renewed on or before January 1st of each year.
- B)**      Temporary Portable Sign: As defined in Section 2.0, (MM), shall be subject to an annual fee of \$15.00 (or as otherwise established by the city council) which shall not be valid beyond December 31 of the year in which it was issued. A Temporary Portable Sign must receive an erection permit each time it is moved to a new location. There will be no charge for the erection permit. The erection permit shall not be valid for a period in excess of 90 days each calendar year per person.

**§ 5.00      General Regulations Applying to All Signs.**

In any zoning district within the City of Leeds, the following regulations shall apply:

- A.**      No sign shall be erected or maintained at any location where, by reason of its position, working, illumination, shape, symbol, color, form or character, it may obstruct, impair, obscure, or interfere with the view. Such signs shall be designed and located in such a manner that would prevent them from being mistaken for any authorized traffic sign, signal, or device. They shall not interfere with, mislead, confuse or disrupt traffic flow or traffic safety.
- B.**      Signs incorporating any noisy device (whistles, horns, noise makers, sirens, or any other noisy audible devices) are expressly prohibited within the City of Leeds.
- C.**      No sign of any type or foundation or support thereof shall be placed in a public street or its right-of-way.
- D.**      No sign with flashing, traveling or animated illumination shall be permitted in any zone district within the City, with the exception of permanent signs located in commercial districts providing public service information such as, but not limited to: time, date, temperature, news or weather.
- E.**      No illuminated sign, other than a permanent subdivision sign, shall be permitted within fifty feet (50') of any residential zone district of the City.

- F.** The area around all signs shall be kept clean and free of trash and all vegetation, unless such area is a part of the landscaping associated with the sign. In case of which, such shall be well maintained. In addition, it shall be the responsibility of the sign owner/lessor or property owner to maintain all signs in a safe and proper operating manner at all times.
- G.** No person shall park any vehicle or trailer on a public street or public parking area for the sole purpose of advertising.
- H.** Snipe signs shall not be permitted in any zone district, except as may be authorized by the City.
- 1.** No permanent freestanding pole mounted ground sign of any type shall be permitted within thirty-five feet (35') of the intersection of the pavement edge lines of two (2) public roads, unless the same is mounted at a height of at least ten feet (10') from the ground level at the base of the sign and upon poles or other means of support which is adequately designed and constructed to support the said sign.
- J.** No sign shall occupy any portion of a parking space or aisle.
- K.** All signs shall conform to the Standard Building Code, 1997 Edition or as same may be amended, which provides a comprehensive set of construction standards for signs. These specifications include wind loads, seismic loads, acceptable supports, allowable stresses and electrical wiring and other components.
- L.** Professional signs for Home Occupations, where permitted, shall not exceed three (3) square feet in area. Such sign may be either a wall-mounted or ground sign. In the case of ground signs, none shall be located any closer than twenty feet (20') from the street right-of-way.
- M.** All signs located along primary or interstate highways shall meet all the regulations of the Alabama Department of Transportation, and shall require a permit from ADOT before a permit is issued by the City.

§ 6.00 Exempt Signs, Permit Exemptions.

- A.** Except as may be otherwise provided for elsewhere in this Ordinance, the following signs are exempt from sign permit requirements and the provisions of this Ordinance, subject to meeting all the applicable regulations, codes and any City policies concerning such signs.

  - 1.** Permanent or temporary signs required to be posted by law,
  - 2.** Permanent or temporary WARNING and NO TRESPASSING signs (snipe signs shall not be allowed).
  - 3.** Permanent or temporary signs established by, or by order of, any government agency or official body.



- 4.** Signs indicating the location of bus stops, taxi stands and similar transportation facilities.
- 5.** Signs providing information concerning the location or use of accessory off-street parking facilities and/or loading facilities.
- 6.** Permanent or temporary signs required for the control of vehicular or pedestrian traffic.
- 7.** Temporary holiday signs, banners, displays and decorations.
- 8.** Routine sign maintenance and repair, including changeable copy signs.
- 9.** Decorative flags and bunting for City-wide celebrations, conventions and commemorations when authorized by the City for a specified time period.
- 10.** One (1) construction sign per street frontage, located on the property, shall be allowed where building is actually in progress under a current building permit. This shall be a ground sign not to exceed thirty-two (32) square feet in area, be non-illuminated and may include the names of persons and firms performing such services, labor or supplying materials to the premises. Such sign must be removed before a Certificate of Occupancy is issued.
- 11.** Flags, banners or insignias of a governmental, religious, charitable or fraternal organization.
- 12.** Integral, decorative or architectural features of buildings, except letters, trademarks, or moving parts.
- 13.** Directory signs located inside the buildings they serve.
- 14.** Signs not exceeding three (3) square feet in area and bearing only property numbers, post office box numbers or names of the occupants of the premises to which the sign pertains.
- 15.** Window signs located in commercial zone districts, advertising activities, services, goods or products available within the building, with a total area of twenty percent (20%) or less of the window glass surface area.
- 16.** A permit shall be obtained by the responsible individual(s) or party/parties, from the City of Leeds, to post all political campaign posters, signs, etc. provided that they do not create traffic hazards as a result of poor or improper placement. The said individual(s) or party/parties shall remove all such signs, posters, etc. within seventy-two (72) hours of the end of the general or run off election or political event to which they pertain, Such signs shall not be illuminated in any manner whatsoever. [Snipe signs shall not be allowed]

17. A permit shall be required, from the City of Leeds, to post signs which advertise yard sale or garage sales. Such signs shall not be located in a manner which would obstruct or otherwise interfere with motorist's vision. These signs shall not exceed four (4) square feet in sign area and shall not be illuminated in any manner. [Snipe signs shall not be allowed]
18. Temporary, non-illuminated signs, located in residential and agricultural districts, not to exceed four (4) square feet in sign area, pertaining to agricultural products raised on the premises. [Snipe signs shall not be allowed]
19. Temporary, non-illuminated real estate signs which are used to offer for sale, lease or rent of property upon which such signs are located. [Snipe signs shall not be allowed]

#### § 7.00 Billboard Regulations.

Billboards shall not be permitted in the City of Leeds, except within one thousand feet (1,000') of the Interstate Highway 20 right-of-way.

Interstate Highway 20: One thousand feet (1,000') between sign structures located on the same side of the street, highway or thoroughfare.

#### § 8.00 Signs Located in Residential Districts.

The following types of signs are permitted in Residential Zone Districts of the City of Leeds, subject to specified requirements, unless otherwise provided for elsewhere in this Ordinance. See § 3.00 Regulations Pertaining to Signs and § 6.00, Exempt Signs, Permit Exemptions.

- A. For detached or attached single - family, two-family and multi-family dwelling districts, nameplates, not to exceed three (3) square feet in area shall be permitted for each dwelling unit. Such nameplates shall indicate the name and address of the premises, the occupants thereof and announcements only. [The indirect illumination of nameplates is permissible]
- B. Professional signs for Home Occupations, where permitted, shall not exceed three (3) square feet in area. These may be mounted on walls or placed upon the ground; such shall not be illuminated in any manner. Such signs shall be of neutral colors or earth tones. Ground mounted signs shall not be located closer than twenty feet (20') from any street right-of-way.
- C. Temporary, non-illuminated ground signs advertising yard sales, garage sales or the sale of personal property shall not exceed four (4) square feet in area and shall not be located closer than twenty feet (20') from any street right-of-way.

- D.* Permanent subdivision identification signs shall be ground mounted, with an area not to exceed forty-eight (48) square feet. These may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for subdivision or neighborhood identification. If illuminated, such signs shall utilize indirect illumination only. The principal entrance to the subdivision and the main street leading to the subdivision shall each adorn one (1) such sign. These shall not be located closer than fifteen feet (15') from intersection of the subdivision entrance.
- E.* Temporary subdivision identification signs shall be ground mounted with an area not to exceed thirty-two (32) square feet. If illuminated, such signs shall utilize indirect illumination only. The principal entrance to the subdivision and the main street leading to the subdivision may each have one (1) such sign. Temporary signs shall be located no closer than fifteen feet (15') from the property line of the street to which it is directed and shall not be used concurrently with the permanent subdivision sign referred to in D above.
- F.* For multi-family and group dwellings, identification signs shall not exceed nine (9) square feet in sign area. Such signs shall indicate the name and address of the premises and the name of the management only. No sign shall be flushed with the principal building. Any lighted sign shall have indirect illumination only.
- G.* Permanent places of worship, schools, or other public building bulletin boards or identification signs, including manually-operated, changeable copy signs shall not exceed thirty-two (32) square feet in area. These may be illuminated or non-illuminated and shall be located no closer than fifteen feet from a street right-of-way.
- H.* Signs permitted in planned residential districts shall be determined during the site plan review process.

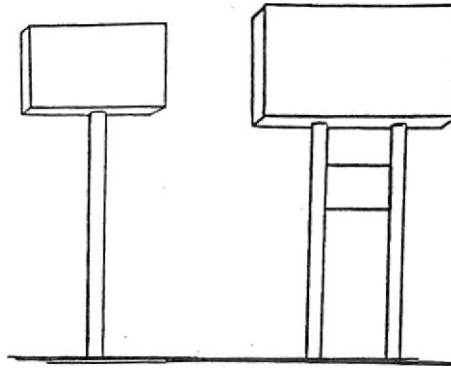
NOTE: Billboards and signs containing animated, traveling or flashing lights are prohibited in all residential zone districts of the City of Leeds

#### §9.00 Signs Permitted in the B-2 General Business District.

Permanent free-standing, on-premise, pole-mounted or ground sign shall be permitted, limited to one (1) such sign per street frontage of a street or lot, regardless of the number of businesses located on the lot. The following may be included:

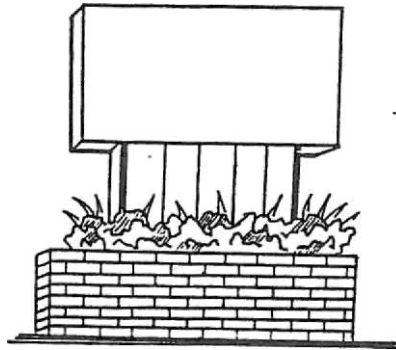
- A.* A permanent, on-premise, free-standing, pole-mounted sign, illuminated or non-illuminated, shall not exceed thirty-five (35) square feet of sign area, plus 1.2 square feet of sign area per 1,000 square feet of lot area, but in no event shall such sign exceed 48 square feet. Such sign shall not exceed a height of twenty feet (20') from the ground level to the highest point on the sign. It shall have a minimum clearance of ten feet (10) from the ground level to the lowest point on the sign and shall be located no closer than five feet (5') from

the edge of the property line. No sign shall be located on any public right-of-way. [See illustration of sign type below]



PERMANENT FREE STANDING, POLE MOUNTED SIGN

- B.** A permanent, on-premise, ground sign, either illuminated or non-illuminated, may include a masonry wall, landscaping and similar and similar features or materials. Such sign shall not exceed fifty (50) square feet in sign area and fifteen feet (15') in height measured from the ground level to the highest point on the sign. It shall be located no closer than five feet (5') from the property line. No sign shall be located in any public right-of-way. [See illustration of sign type below]



A PERMANENT, ON PREMISE GROUND SIGN

- C.** In addition to either A or B mentioned above, attached, permanent, on premise signs, illuminated or non-illuminated, shall be permitted to one (1) business, per street frontage; and, the following may be included:

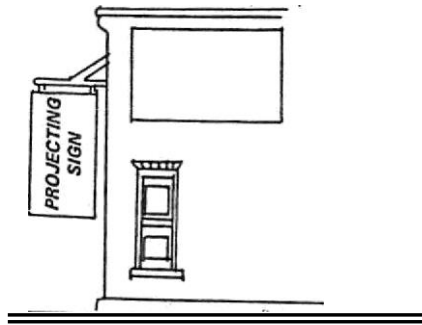
1. A wall or fascia sign, either illuminated or non-illuminated shall be limited to one (1) per street frontage, provided no other signs for such establishment are located more than thirty-six inches (36") from

the face of the building upon which it is mounted. It shall not exceed sixteen (16) square feet in sign area and shall have a minimum clearance of ten feet (10') from the lowest point on the sign to the ground level or sidewalk on which it stands. Such signs shall not project into any public right-of-way. [See Illustration of sign type below]



WALL OR FASCIA SIGN

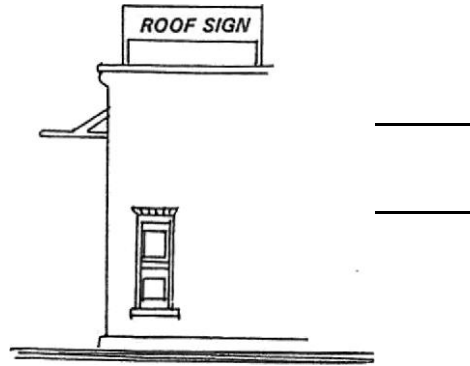
2. A Projecting Sign either illuminated or non-illuminated, shall be attached to the wall of the establishment it serves, provided no other signs for such establishment are located on the same building wall; and, such sign shall not project outward more than thirty-six inches (36") from the face of the building upon which it is mounted. It shall not exceed sixteen (16) square feet in area and shall have a minimum clearance of ten feet (10') from the lowest point on the sign to the ground level or sidewalk on which it stands. [See illustration of sign type in space provided below]



PROJECTING SIGN

3. A roof sign, illuminated or non-illuminated, limited to one (1) per street frontage, per establishment, shall be located within a selected signable area. A signable area, for a roof sign, shall not extend beyond the

dimensions of a mansard roof, penthouse, or, an architectural roof element on which it is located. See definition of Signable Area in the definition section of this Article. The vertical dimensions of a signable wall area shall not exceed six feet (6') in height. The size of such signs shall not exceed forty percent (40%) of the signable wall area. [See illustration of sign type in space provided below]

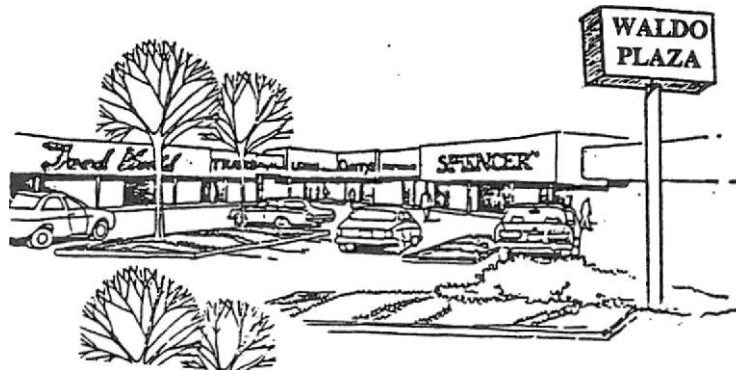


ROOF SIGN

NOTE: Billboards shall not be permitted in the B-2 General Business District.

#### 10.00

#### SIGNS LOCATED IN SHOPPING CENTERS AND OFFICE PARKS



UNIFIED BUSINESS CENTER/ SHOPPING CENTER

1. There shall be an architectural harmony and unity of signs within a shopping center of unified business center on a property including an office park. The sign type, color scheme, size and method of illumination (if illuminated), shall be coordinated and compatible with the architecture of the center.

2. Either a permanent, free-standing pole mounted or ground sign, illuminated or non-illuminated, shall be permitted to identify a shopping center. In addition, wall or fascia signs for each establishment within the center shall be permitted, with all signs subject to the height, dimensional requirements and restrictions of Section 9.0 A and B for permanent, freestanding, pole mounted or ground signs.
3. Billboards shall not be permitted 0-1 Office Building District.
4. Canopies, Marquees, or fixed awnings, subject to the provisions of the Standard Building Code, 1997 edition.

§ 11.00 Signs Permitted in the 1-1 Light Industrial District and the 1-2 Heavy Industrial Districts.

Permanent, free-standing, on-premise, pole-mounted or ground signs shall be permitted, limited to one (1) such sign per street frontage of a street or lot, regardless of the number of businesses located on the lot. The following may be included:

- A. A permanent, on-premise, free-standing, pole-mounted sign, illuminated or non-illuminated, shall not exceed thirty-five (35) square feet in sign area plus 1.2 square feet of sign area per 1,000 square feet of lot area, but in no event shall such sign exceed forty-eight (48) square feet in sign area. Such sign shall not exceed a height of thirty feet (30') from the ground level to the highest point on the sign. It shall have a minimum clearance of ten feet (10') from the ground level to the lowest point on the sign and shall not be located any closer than fifteen feet (15') from the edge of the property line. No sign shall be located on any public right-of-way. [See illustration of sign type in 9.0 A of the 8-2 General Business District]
- B. A permanent, on-premise, ground sign, either illuminated or non-illuminated may include a masonry wall, landscaping and similar features and materials. Such sign shall not exceed fifty (50) square feet in sign area and fifteen feet (15') in height measured from the ground level to the highest point on the sign. Such sign shall not be located any closer than fifteen feet (15') from the property line. No sign shall be located on any public right-of-way. [See illustration of sign in 9.0 B of the B-2 General Business District]
- C. In addition to either A or B mentioned above, attached, permanent, on-premise signs, illuminated or non-illuminated, shall be limited to one (1) per business, per street frontage, and, the following may be included:
  1. A Wall of Fascia sign either illuminated or non-illuminated, shall be attached to the wall of the establishment it serves, provided no other signs for such establishment are located on the same building wall. Such signs shall not extend above the roof line or project more than twelve inches (12") outward from the building upon which it is mounted. Wall signs, which identify the rear entrance of the principal building, may be permitted, provided it is non-illuminated and does not exceed ten (10) square feet in sign area. [See illustration of sign type in C.1 of the B-2 General Business District]

2. A Projecting Sign either illuminated or non-illuminated, shall be attached to the wall of the establishment it serves, provided no other signs for such establishment are located on the same building wall; and, it shall not project outward more than thirty-six inches (36') from the face of the building upon which it is mounted. It shall not exceed sixteen (16) square feet in sign area and shall have a minimum clearance of ten feet (10') from the lowest point on the sign to the ground level or sidewalk on which it stands. (See illustration of sign type C. (2) of the 8-2 General Business District]
- D. Billboards shall not be permitted in the 1-1 and 1-2 Industrial Districts.

§ 12.00 Signs Permitted In The A-1 Agricultural District.

The following signs shall be permitted in the A-1 Agricultural District:

- A. Those types of signs permitted in the Residential Districts as listed in § 8.00 of this Article.
- B. Signs customarily incidental to uses permitted in the Agricultural District.

NOTE: Also, see § 6.00, of this Article, Exempt Signs, Permit Exemptions and § 5.00, Regulations Pertaining to All Signs.

§ 13.00 Construction And Maintenance of Signs.

All signs shall comply with the following construction and maintenance requirements and regulations:

- A. All signs shall conform with the City of Leeds Building and other construction codes. These specifications include wind loads, vibration resistance, seismic loads, acceptable supports, allowable stresses, materials and electrical wiring and components.
- B. All signs and all components thereof, including structural supports, shall be kept in a state of good repair.
- C. The areas surrounding the base of any free-standing sign shall be kept clean of trash, debris and undergrowth.
- D. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation within any right-of-way or on any area where landscaping is required under City regulations, unless express written authorization is obtained from the agency having jurisdiction over the said right(s)-of-way.



**§ 14.00      Required Permits, Fees and Inspections.****A.      Permits Required:**

- 1.**      Except where this Article explicitly exempts a sign, all signs erected shall require a sign permit issued by the City Building Inspector.
- 2.**      Whether a sign is exempt or not, an electrical permit shall be required for all illuminated signs.
- 3.**      All outdoor advertising signs to be located within six hundred and sixty feet (660') of the nearest edge of the right-of-way of a highway on the Interstate or National Highway System - Urban and Rural Routes, shall file an application for a permit with the State of Alabama Highway Department as required by the Highway Beautification Act - Outdoor Advertising.

**B.      Application Forms:**

- 1.**      Each application for a sign permit shall include the following:
  - a.**      The name, signature and address of the property owner or the authorized agent of the property owner and that of the sign contractor.
  - b.**      The address of the property owner where the sign is to be located.
  - c.**      The lot area, sign district, zoning district and principal land use(s) on the lot where the sign is to be erected.
  - d.**      A complete description of the sign(s) to be erected, including, but not limited to, the number, type, method of illumination (if illuminated), size, height, etc.
  - e.**      A scaled drawing of the sign and a plot plan showing the location of each sign on the lot.
  - f.**      All other details, sufficient for the Building Inspector to determine compliance with the requirements of this Article, which may include a building elevation, survey or other drawings or any documentation deemed satisfactory by the City of Leeds to assess a permit for the sign.

**§ 15.00      Issuance Denial.**

When a permit is denied by the Building Inspector, he or she shall serve a written notice to the concerned applicant explaining in detail the reason or reasons why such denial was issued. A copy of the said statement shall be made as an attachment to the permit application.

**§ 16.00      Appeals of Permit Denial**

An appeal, concerning the denial of a permit, may be taken to the Zoning Board of Adjustment by the concerned applicant.

§ 17.00      Permit Fees.

Applications for permits shall be filed with the City Building Inspector, together with a permit fee, as specified by the Building Inspector, for each sign, in accordance with this Ordinance. The building permit fees shall be determined by the City in the same manner as the fees for other building permits.

§ 18.00      Inspection Of Signs.

The person erecting, altering, relocating, enlarging or converting any sign shall notify the Building Inspector of the completion of such work for which permits were required and issued. See § 6.00, of this Article, Exempt Signs, Permit Exemptions.

§ 19.00      Unlawful Signs.

Every sign in the City of Leeds shall be maintained in good structural condition at all times. The Building Inspector may inspect and shall have the authority to order the painting, repair, alteration, movement or removal of signs which are dilapidated or abandoned or which constitute a physical hazard to public safety. Any repair, painting, alteration, relocation or removal shall be at the sign owner's expense. See § 19.00 and § 20.00 of this Article below.

§ 20.00      Confiscation of Signs Located On Public Right-Of-Way.

Any sign installed, erected or placed on a public right-of-way, except in conformance with the requirements of this Ordinance, shall be forfeited to the public and subject to confiscation following proper written notification of such violation to the property owner and/or sign owner. In addition to the other remedies provided for under this Article, the City of Leeds shall have the right to recover from the owner or person placing the sign, the full cost of removal and disposal.

§ 21.00      Abandoned Signs.

Except as may otherwise be provided for in this Article, any sign that is located on property which becomes vacant and is occupied for a time period of four (4) months or more or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business, temporarily suspended because of a change in ownership or management, shall not be deemed abandoned unless the property remains vacant for a period of nine (9) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

§ 22.00      Misleading Signs.

All signs, for business and other commercial or industrial establishments that are no longer in operation, shall be removed within ninety (90) days of the disuse of such establishment. The removal of such misleading signs shall be the responsibility of the owner of that sign.

§ 23.00      Notification.

All notices mailed by the Building Inspector shall be sent by Certified Mail. Any time period, provided in this Section, shall be deemed to commence on the date of the receipt of the certified mail. The notice shall be mailed to the owner of the property, on which the sign

is located, as shown on the latest available tax records and maps, as well as the occupant which the sign serves. Any person or persons with an interest in the sign or the property may appeal the determination of the Building Inspector. The Building Inspector's order of the removal of the sign or the measures necessary to bring the sign into compliance with the provisions of this Ordinance may be appealed with the City of Leeds Zoning Board of Adjustment in writing. This application must be filed within thirty (30) days of the date the Building Inspector's notice for the removal of a sign/sign(s) was mailed.

§ 24.00      Removal of Sign.

The Building Inspector shall order the removal of any sign that endangers public safety. Signs that are abandoned, dangerous, materially inadequate, electrically or structurally defective; signs for which no permits have been approved and issued; failure to renew permit, etc. shall be cited for violations. The Building Inspector shall issue a detailed description of the violation or violations and advise that these be corrected within a period of thirty (30) days. Failure on the part of the party or parties notified of such violations to rectify all the cited violations shall result in the removal of the sign(s) in accordance with the provisions of this Ordinance. Any sign installed or placed within the City, except in conformance with the requirements of this Ordinance, shall be forfeited to the public, and shall be subject to confiscation. In addition to other remedies provided under this Article, the City shall have the right to recover, from the owner or person placing such a sign, the full cost of removal and disposal as described in § 20.00 above.

§ 25.00      Annual Inspection.

The Building Inspector shall inspect annually, or at such other times as he deems necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

§ 26.00      Right of Entry.

Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Building Inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which renders such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Inspector shall have the authority to enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Inspector by this code. If such building or premises are occupied, the Building Inspector shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the Building Inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Inspector shall have recourse to every remedy provided by law to secure entry.

When the Building Inspector shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant or any other person or persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided to promptly permit entry therein by the owner of Building Inspector for the purpose of inspection and examination pursuant to this Ordinance.

## ARTICLE XI

## LEGAL STATUS PROVISIONS

## § 1.00 Interpretation of Uses

In their interpretation of an application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, conveniences, order, prosperity and general welfare of the City and its residents. Where other Ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restriction of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

## § 2.00 Savings Clause

If any section, clause, provision or position of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other article, section, clause, provision or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

## § 3.00 Repeal of Existing Ordinances

All zoning ordinances heretofore adopted by the City of Leeds are hereby repealed; provided, however, that nothing in this Ordinance shall be construed to modify or in any manner permit, extend or enlarge any non-conforming property or improvement at the time of adoption of this Ordinance, but such non-conforming use shall continue to be subject to all restrictions and limitations existing at the time of adoption of this Ordinance related to such non-conforming use. No non-conforming use, existing at the time of adoption of this Ordinance, shall be enlarged, extended, or expanded, unless such use is changed to a use which will conform to the regulations of the district in which such property is located.

## § 4.00 Effective Date

This Ordinance shall become effective immediately upon its adoption, approval and publication, as provided for by law.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Honorable James O. Whitfield, Mayor  
City of Leeds, Alabama

ATTEST: \_\_\_\_\_  
Linda Humber, City Clerk, Treasurer

## APPENDICES

## ADMINISTRATIVE FORMS AND APPLICATION



**BUFFER MATRIX**

	A-1 19	& 1	R-1	R-2	R-3	R-3-A	R-3-T	RC	PUG	RMI-11>	RMHS	0.1	11-1	8-2	13.3	1-1	1.2	MR
A-1 ly1	0	100	100	700	75	76	100	60	76	76	75	109	100	100	100	260	300	75
6-1	100	0	100	700	100	100	700	100	700	100	50	160	160	175	175	300	350	76
117	100	100	0	60	100	100	100	SO	100	100	60	760	160	175	175	300	360	76
13-2	100	100	60	0	100	100	100	60	100	100	50	750	160	776	776	300	360	76
R-3	76	100	100	100	0	100	1170	60	26	75	60	60	60	60	76	300	360	76
R 3-A	76	100	WO	100	100	0	100	60	25	75	SO	150	760	176	176	300	360	76
R-3-7	100	100	100	100	100	100	0	60	26	76	60	60	160	100	176	300	360	76
RG	60	100	60	60	60	60	60	0	26	60	50	100	100	100	700	309	360	75
POD	75	100	100	100	60	100	100	60	0	60	60	100	700	100	160	300	360	60
fi14HP	75	100	100	100	60	700	100	60	60	0	26	126	150	169	160	300	360	60
510143	76	60	60	60	60	60	60	50	60	50	0	60	60	60	50	200	360	60
0.1	100	160	760	160	60	160	160	100	100	125	60	0	50	50	SO	200	300	76
5-1	100	160	160	150	60	160	160	100	100	160	60	60	0	60	50	300	300	76
8-2	100	176	176	776	60	176	100	100	700	160	60	60	60	0	60	200	300	76
8.3	100	176	176	175	75	176	176	100	160	150	60	60	60	60	0	300	350	100
1-1	250	300	300	300	300	300	300	300	300	300	209	200	200	200	300	0	100	200
1-2	300	360	360	350	360	360	350	360	360	350	350	300	300	300	150	100	0	300
MR	75	76	75	76	76	76	76	75	76	60	60	60	75	75	100	200	300	0

All buffer dimensions are indicated in feet (1

the r.sis ifellar., M. specific zone district, the X denotes die adjoining districts

The plannng commission will decide buffer arrangements on adjacent fend uses, pollution factors, arc



